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THE MILLION IN THE GARRET.

A STORY OF WARSAW.

(From the Polish.)

CHAPTER XXV.

JOY AND DESPAIR.

IN the evening, just before dusk, Bernard returned to the garret. He went there because he could find peace nowhere else. Away from it, he was persecuted and haunted by the most frightful images.

The old lady received him unusually heartily; but her face remained stern and sad. Terenia at first showed an inclination to overwhelm him with the caresses of a sister; but she refrained from it, and merely told him, with a smile, that she was confused, and had come very near saluting him in a way that might have greatly astonished him. After that she turned round on her little feet, and began to sing as if she were superlatively happy.

These were fearful symptoms for Bernard. He sat down in a corner, and fell into deep thought.

Master Cupbearer now also entered the room. He was elegantly dressed, and bore himself with the air of a conqueror. On the very threshold he finished some operatic song which he had begun in the street. His greeting of the old lady was full of homage and

adoration for the strange woman. He bowed low, kissed her withered hands with an ardor as if they were those of a young girl, and bowed again to kiss them. This affection for the withered hands was not strange, for they were to count out a million.

His greeting with Terenia was brief, even cool. Thus meet people who had just seen one another—who had exchanged the significant words, and for whom the game was ended.

So thought Bernard to himself, as he tore a small piece of paper into a thousand pieces.

The greeting with Bernard was perhaps the most characteristic of all. He passed by him and slightly nodded his head. Bernard was now nothing at all to him, much less a rival. He was merely a poor fellow whom the old lady fed, and who had even given up his room, which connected him with the family, for one hundred florins.

While conversing about indifferent subjects, it had become dark. Elizabeth left the seat by the stove to light the lamp; but Terenia opposed it, and the old lady herself told her to wait a little longer.

A full moon, red and round, was

shining in the sky. A flood of rich mellow light poured through the narrow windows into the garret, and silvered its modest furniture. From a few flower vases which stood in the windows, she painted on the wall beautiful festoons that descended picturesquely from the ceiling to the floor. Around an old bureau near the door she wove fantastic wreaths, garlands, and curious pictures, in which those who gazed at them saw whatever they liked. Over the sanded floor she flung a richly-worked Persian carpet, with strange and rare devices and a border of arabesques.

As if by the wand of some enchanter, the poverty-stricken garret was suddenly transformed into a luxurious boudoir, whose inmates revelled in the pleasures of unlimited wealth.

Among these inmates of the garret there were probably some who liked the golden visions which corresponded with their own dreams. And who shall blame the poor for dreaming of wealth? Is it accounted a sin for the hungry and thirsty to dream of food and drink?

On the small sofa sat Terenia, and gazed with wistful eyes at the magic work of the moon. Was the moon conspiring with him who had this day held out to her pictures of the same fanciful character, of luxury and of wealth?

Bernard also gazed involuntarily at the mischievous doings of the moon. He also dreamed of riches; but only to share them with those who seemed to set such store by their possession.

It was no wonder that Terenia should not have wanted the lamp lit to spoil the illusions of the moonlight, its graceful festoons, garlands, and the Persian carpet.

"What can be more delightful than the guitar by moonlight?" whispered Terenia to Master Cupbearer.

Master Cupbearer took up his guitar. In spite of the uncertain light, Bernard noticed that Terenia's eyes rested with a dreamy joy on the pale face of his rival.

The strange trembling sounds of a mournful prelude, which rose from the instrument, appeared to go straight to Terenia's heart. She listened as if she and the player well understood what the notes said. And they said such sweet, such beautiful things! They described the transports of love, the pining for the loved one; they implored for the utterance of that little word which is breathed from trembling lips in a whisper, inaudible, yet always comprehended.

The prelude closed, and then arose from the metallic strings a complaint, a passionate prayer, and vows of eternal devotion.

Terenia was entranced. Her eyes hung rapturously on the player's pale features. The language of Master Cupbearer's own eyes expressed what the strains left unsaid.

Bernard could no longer remain here. A terrible pain seized him, and the tears rolled down his cheeks. He had now clearly perceived that Terenia was lost to him. He did not wish to wait until the lamp was lit and exposed his features distorted with pain, perhaps even the tears on his cheek. He had no desire to give his rival such an ocular proof of his defeat. Having too much pride for that, he rose from the chair.

"Have you anything important to do?" asked the old lady, whose face was unusually stern.

It seems that the old lady must have discovered in the moonlight the tears in his eyes, for she long retained his hand, and then relinquished it with a hearty pressure. Terenia bade him good-night in an absent manner, being too much engrossed with the musician, who never stopped playing.

After Bernard had departed, the old lady looked for some time, with a clouded brow, at Terenia, and then said:

"Miss Elizabeth, light the lamp. We have wasted time enough in idle dreams; now it behooves us to think of the stern reality. Terenia, take from

the portfolio the picture of which I spoke to you yesterday."

Elizabeth was just placing the lamp on the table, when the words of her grandmother put an end to Terenia's raptures. Her face turned pale, and her eyes addressed some mute prayer to the old lady.

But the grandmother's face wore then such an implacable expression that Terenia saw she could expect no mercy. Two small tears appeared under the silken lids when she took out the picture.

"You see, sir," said the old lady to Master Cupbearer, who was curiously watching this scene, "Terenia becomes attached to her handiwork, and she cries every time a picture is taken from the portfolio. But what help are tears when people are poor? Instead of sewing, I had her taught drawing, because that talent pays better. Now and then we sell a picture, and in this she earns more than as a seamstress. Master Bernard has already sold several of these pictures at one hundred florins apiece. I expect that you will be able to find a patron among your acquaintances in the great world who will give for this picture at least two hundred. It is twice as large as the others, and twice as much color has been expended upon it."

After the playing on the guitar, and the moonlight reveries, this was a bucket of cold water for Master Cupbearer.

Terenia turned on him an imploring look, as if to crave his pardon for her poverty; but he could not comprehend that appeal, for the idea of selling pictures for the next day's expenses seemed to him a strange discord with the harmony of his guitar-play, and the purposes of this playing.

There was, however, nothing to say. Mechanically he took the picture, and promising to find a purchaser for it, he bowed and left.

The old lady smiled the whole evening over her thoughts. Terenia wept in secret.

CHAPTER XXVI.

THE PICTURE-SELLER AND BUYER.

Master Cupbearer's reflections were not of a pleasant nature, when he had come home from the garret. He could not shake off certain doubts that beset him. While perfectly prepared for the old woman's whims and eccentricities, and already accustomed to her peculiar views of the world and society, what he had last heard was more than even he had expected from that source.

She had charged him with this mission to satisfy her immediate daily wants; and this furnished more than one riddle for his solution. Formerly, he had thought that the alleged poverty was only one of the strange woman's oddities, which she affected to spite the great world; but now, he felt tempted to believe that this poverty was real.

This belief would, however, compel him to abandon his hopes of the million. About this million he had dreamed so much; on it he had built so many expectations, which were now to turn out castles in the air.

It is a fact, well-proved by experience, that when a man desires something very ardently, he loses his good sense, and views matters in the light which is the most agreeable to him. So Master Cupbearer, also, could not give up the million; and he persuaded himself, very cleverly, that this was only another trick of the old lady.

Be that as it may, he decided not yet to give up the game, and to sell the picture, if possible, to some acquaintance.

The same night was a far more painful one for Bernard.

The whole day he was unable to work in his office. But to discharge his duty, he took his work home with him to do it during the night. He even promised his chief that it would be ready in the morning. The poor fellow had no idea how hard the task would be.

Returned from the garret, he sat down in his room, bitterly to weep. A

picture of his life passed before him like a vision. Everywhere sorrow; always tears. Sorrow in the parental home, sorrow on the field of battle, sorrow in the struggle of life, and sorrow in his love.

He turned to the work which lay before him; but the pen was as heavy as lead; the paper slipped far away from him, and the hand could not reach after it. His thoughts were in the garret; there remained his spirit, here was only his body, which was suffering and wretched.

"For what does God punish me?" he asked himself. "Is it because I expected too great happiness?"

He once more took up the pen, and again found the paper beyond his reach. His hand seemed to have lost its strength.

At last, after a long struggle with himself, he succeeded in forcing his hand to discharge its duties. The work before him had to be done. Hitherto, he had always placed duty above all personal feelings, and now, when this duty was plain, the pen came of itself to his hand, and the paper drew near.

It was very late in the night when he had concluded his work, and the labor fully repaid him by somewhat easing his mind. But the morning was already dawning outside. He opened the window, greeted the dawn of the day which he dreaded would decide his fate, and went to the office. There he did the work of three, and felt benefited by it.

After five hours' steady work, he left, for the doors of the offices had already been closed. He went out into the crowded streets, looked to the right and the left, because it afforded him a diversion. At least for a while he forgot the terrible fears which filled his mind about matters in the garret. There he saw no longer the faintest hope, the smallest consolation.

In a window of a store on the Faubourg de Cracovie he saw a group of people admiring some picture. Bernard joined it, looked, and was amazed.

On the picture he read Terenia's monogram.

"Who brought this picture here?" he impetuously asked one of the clerks inside.

"Master Cupbearer left it with us to be sold—probably for some charitable purpose," replied the clerk.

"How much is the picture?"

"Perhaps somebody will give fifty florins."

Bernard flung the price on the counter, and quickly left the store to avoid observation. He felt as if he were a thief—that he had appropriated somebody's property—that he had cheated the clerk.

That Terenia's picture should be exposed for sale, did not astonish him at all. It only pained him that he had already lost his former rôle. Master Cupbearer had assumed it; but how differently he acted in that rôle! A picture from the hands of Terenia he had given to the dealer to sell for a few miserable florins! What could that picture be to him?

Bernard straightened himself, for on this point he had the advantage of his adversary. He had obtained his pictures with such great sacrifices, and would have secured them by still greater, if only to keep these treasures.

But this victory over his adversary God alone would know, for men should never learn of it. How could he stand up and proclaim to all the world: I have done so and so! Would it be noble? would it not be the language of the Pharisee, who said to God, "I thank thee for not being like others"?

The victory was to remain a secret; but it afforded him an excuse to visit the garret. There he had a hiding-place for the pictures surreptitiously acquired; and with the others he wanted to deposit also this. He wrapped the picture, therefore, carefully in paper, put it under his cloak, and ascended to the garret.

The people of the garret were accustomed to have Bernard often go to his bureau drawer. On the present occa-

sion, therefore, Annie opened the door of the little room, which Master Cupbearer had fortunately left an hour earlier than usual. Putting the picture carefully away, he locked the drawer, and went to see the old lady.

The Chamberlain's widow was dressed to go out. On the table lay two hundred florins.

"It is well that you came," she said to him; "you will accompany me to the Alms House, for it is slippery on the way. Master Cupbearer was so kind as to sell, among his friends, a picture for two hundred florins. Since, thanks to God, I have not yet so much need for the money, I intend to bestow these two hundred florins on the poor, that prayers may be said for the soul of my husband on the anniversary of his death. And as I at that time devote yearly one week to religious exercises, I request you not to visit me for the whole week. Do you understand me, sir?"

"I understand," replied Bernard, with a wistful look at Terenia.

"Then give me your arm," said the old lady; and both left the room.

CHAPTER XXVII.

A CHANGE OF AFFAIRS.

The first few days of the interdicted week which the old lady wanted to devote to religious exercises, passed without any important event with Bernard. He worked very hard to deaden his grief and forget his misfortunes; and when he returned to his room he surrounded himself with useful books. The week of religious exercises appeared to him quite natural. It corresponded fully with the views of the old lady, who sought comfort from God after her sad experiences in life.

Sometimes, however, strange suspicions entered his mind. Might it not be all a secret plan — some design on the part of the old lady, to keep him for a period out of the garret? Might she not have consented to give Terenia to his rival, and dislike to have him cast

a dark shadow on the happiness of the new pair? Might not the lovers in the mean time bind themselves with that chain which death alone can sever, and the Chamberlain's widow wish to save him the pain of learning his fate until the irrevocable step had been taken?

At these thoughts, Bernard would always spring up from the desk or the bed, and pace the floor with rapid step. His heart beat as if it would burst, and the tears streamed from his eyes. As an unhappy man will never believe entirely in his unhappiness, but always sees some ray of hope, so Bernard also ever discovered some feeble reasons with which he satisfied himself that this could not be the case.

Yet these suspicions caused him frequently to walk on Leszno, and gaze, from a distance, at the house to whose garret he was now forbidden to come. He looked at its mute white walls, to extort some news from their stony physiognomy. But the white-washed front showed no more expression than a woman's face covered with powder and rouge.

Bernard looked at the well-known windows of the garret. A flock of sparrows whirled round and twittered gladly, as if they knew something; but Bernard was unable to understand their twitter. A gray cat walked slowly on the very edge of the roof, looked into the window, lifted its tail, and mewed several times; but Bernard could make nothing of it. Finally, some crows settled on the chimney, and began to croak; but Bernard was at a loss to interpret their croaking.

One incident made him exceedingly uneasy. About noon he saw a closed hack standing in front of the house. After a while, the old lady came out of the door, entered the carriage, and drove off. What could it mean? Where could the old lady go to alone? Was not this the week for her religious exercises, during which she had determined to stay at home? There was no

mass at church about this hour of the day.

At last, on the fifth day, he went again to Leszno, and saw there, standing before the door of the house, a number of Jews, with different articles. Some went in, others came out. They talked among themselves, disputed, and gesticulated. They pointed at something with their fingers and sticks, and had their bags filled.

But all this might have nothing to do with the garret; yet the sight of these people, who collect like vultures wherever there is some misfortune, to profit by it, made a singular impression on Bernard. He was afraid to draw closer and ask an explanation.

The next morning Bernard went to his office, pale and worn out. His whole body shook with a fever. During the night his sleep had been disturbed by terrible dreams. It seemed to him that he saw the old lady in her coffin, her face pinched and sorrowful, and with the eyes wide open. These eyes were frightful! As he bent closer over the face, he gradually recognized in it the delicate features of Terenia. She lay asleep, with a pained expression, like some white rosebud which a pitiless wind has torn from the bush.

Bernard sprang from the bed, trembling all over. It was bright day. He quickly dressed himself, and ran to Leszno; but there were none of the usual signs of death at the door.

At the office, the chief greeted him with a pleased smile. He requested him to come to his private room, where he took a paper from the desk, which he handed to Bernard, with these words:

"Mr. Bernard, you have lately been so industrious that I have determined to hasten your promotion to a place and a higher pension. The Minister has also spoken very highly of you."

Bernard opened the document, and found it to be an appointment to a secretaryship with a salary of four thousand florins. Tears stood in his eyes. A few weeks earlier this would

have been heaven to him. To-day, who could tell whether it was worth anything!

In spite of these sad reflections, Bernard thanked his chief. The chief, probably to escape the further thanks of the lucky man, as he supposed, and to change the subject, asked:

"You used to live with the Chamberlain's widow on Leszno. Are there any old-fashioned pieces of furniture in her rooms?"

"Any old-fashioned furniture?" repeated Bernard, astonished. "Why do you ask?"

"Because she is to be sold out to-day under an execution, for a debt of one thousand florins."

"For a debt of one thousand florins—and to-day?"

Bernard stopped to hear no more. He set off like a crazy man. On the way he met a usurer.

"Look here!" he said to him, in an agitated voice. "This is an appointment to office, with a salary of four thousand florins. Advance me a thousand on it."

"Loans of this kind are rather risky. I have not so much on hand," replied the Jew, craftily.

"Give me a thousand for a year, and I will give you my note for two thousand."

The usurer could not resist such a tempting offer. In a quarter of an hour, Bernard rushed up stairs to the garret, taking four steps at a time, with the thousand in his pocket.

CHAPTER XXVIII.

A CRISIS IN THE GARRET.

Strange things were going on in the garret. Master Cupbearer sang and played every day. Terenia listened, and dreamed of the happy, happy future in store for her.

One evening the garret began to be filled with a number of men of singular aspect and conduct. Among them were some Jews with sticks and bags. They all entered the room with their

heads covered, examined the furniture, poked at the chairs, felt the looking-glass, and made themselves perfectly at home.

"What is the meaning of this intrusion?" asked Master Cupbearer of the old lady, who sat, with a stern face, in her large chair.

"Do n't you see, sir," she replied, curtly. "It is what often happens to the poor: a sale under execution."

"A sale under execution!" exclaimed Master Cupbearer, turning as pale as a sheet, for that word was the grave of the million.

Terenia wrung her hands and began to weep violently.

"Weep, my child, weep," said the grandmother; "perhaps you have deserved these tears from God. He never exacts tears from us without some cause. Man can only produce tears of joy; tears of grief belong to God, and are an expiation of our sins. Weep, child; perhaps God will forgive us."

Master Cupbearer wanted to hear no more of this moral sermon; he went to his own room to reflect on what he had seen and heard. There was great danger that he had made himself ridiculous! But perhaps this was all put on. He stepped into the passage below, and asked a man, who seemed to have an interest in the sale, what it all meant. He was told that the sale was on an execution, and would proceed as soon as the deputy sheriff came; that the Chamberlain's widow owed a thousand florins, and could not pay them.

At this instant came the mail-carrier and handed Master Cupbearer a letter with a foreign post-mark on it. The letter was from Paris. He quickly broke the seal, opened it, and read as follows:

"*My Dear Friend:* I owe you thanks for the loaned ducats. They write me from Warsaw that you have embarked in the romantic adventure of seeking a million in the garret! Now, I confess that the story about the old lady's wealth was an invention of mine for the purpose of escaping ridicule for

the cabbage. Be therefore careful what you do.

"P. S. I forgot to tell you that I have run away with an heiress, and was married yesterday in St. Madeleine's Church. Let me advise you to follow suit, for time flies, and money becomes scarcer. *Tout a vous.*

"THE CHAMBERLAIN'S SON."

When Master Cupbearer had read the epistle, he turned faint, and shook as with the ague. The letter dropped out of his hand on the floor.

But there was no time to be lost. Near by sobbed Terenia, and in the hall waited the Jews with their bags. In an hour the deputy would come. The whole world would learn about his unfortunate chase after the million.

Master Cupbearer carefully stole out of the house, and walked as fast as he could to his rooms in the New World. From there he immediately sent his valet to Leszno for his silver pitcher and ewer and other articles. He told him to tell the Chamberlain's widow that important reasons compelled him to give up the room.

When the valet arrived in the garret he found the deputy already there. The old lady received the message with a derisive smile, and told the man that he could remove nothing, as all the things in the garret had been levied on by the sheriff. It would, therefore, be necessary for Master Cupbearer to come himself and prove to the deputy, or in court, that the articles in the little room were his property.

With this unpleasant news, the valet returned to his master.

Master Cupbearer was furious that his evil star should have taken him to that detestable garret. The articles he had left in the little room were very valuable, and expressly intended for effect. It was a part of his wealth, and he could not resign himself to lose it. What was he to do in this case? To stand there, in the presence of the deputy, of Terenia, and the old lady, and witness the sale of all the property

which these poor wretches had in the world?

Master Cupbearer could not make up his mind for some time; at last the ewer and pitcher carried the day. He entered the garret with a brazen front, and boldly claimed the articles he had left in the room as his own.

After a long examination, during which he was forced to relate the whole story of his artistic whim, and the renting of the room, the deputy suffered him to remove the things; but not until Master Cupbearer had signed a bond to hold the officer harmless in case there should be trouble.

Master Cupbearer bore himself, through the whole scene, almost defiantly. No icicle could have been colder. Round him the sale was going on. The old lady never took her eyes off him. Even the Jews watched them with a smile.

Terenia would not even honor him with a sight of her face, which was inflamed with constant crying. The ewer alone would have satisfied the rapacious creditor; but its owner stood there like a marble statue. How homely, how repulsive, now, that pale face appeared to her!

CHAPTER XXIX.

FROM THE GARRET TO A MANSION.

The poverty-stricken garret became every moment barer. One article after another left it. Chairs, sofa, bureau, beds, looking-glass, all went down the stairs.

At last nothing remained, nothing but the sorrow and the despair among the bare walls. In the little room once occupied by Bernard, there was, however, still a bureau, and this a man was just about to carry down, when Terenia stopped him.

She remembered that in the drawer of this bureau Bernard had some valuable papers laid away. She therefore forbade the man to remove it, without first seeing what was inside.

But the drawer was locked, and Bernard had the key.

The man grumbled, and declared he could not wait. He pulled, once, twice, and at the third time the lock gave way.

When Terenia looked in the drawer she suddenly uttered a little cry of surprise. The old lady now also stepped up, and when she saw the contents, she folded her hands as if in prayer.

"Our noble boy!" she cried. "Where could he have got the money to buy your pictures?"

Terenia took them carefully from the drawer, and hot tears dropped from her eyes.

"Look, Terenia, even your last!"

At that moment, breathless and heated, Bernard burst into the room.

"I forbid the sale!" he cried, and flung down on the bureau the thousand florins.

The old lady laughed, and said:

"And what do you expect to do with these bare walls?"

The man quickly seized the bureau, and the old lady could hardly snatch away the bank-notes before he was on the stairs with it.

When they were alone, the old lady embraced Bernard, and her tears fell upon his head. Terenia stood by in silence, pressing her pictures close to her throbbing heart.

"Terenia!" exclaimed the grandmother, "are you now aware who loves you? Are you at last convinced whom you should love and how you should love him?"

Terenia cast down her black eyes; her bosom rose and fell like the billows of the sea. A short time before sad and despairing, she felt now that her heart, temporarily estranged, had returned to its true allegiance.

Bernard stepped up to her, and went down on his knees; but he was unable to utter a single word. Terenia bent over him, and two pearly tears fell from her eyes on his neck.

"Give each other your hands," said the old lady, in a solemn tone, "for

God has intended that you should be one. You, Bernard, have fought your way manfully and honestly through life, and deserved your happiness from God. And you, Terenia, have learned to be poor, and been taught that all is not gold that glitters. This knowledge was necessary for you, because a woman without such experiences is unable to love with her whole soul. She will always pursue shadows, and miss the substance."

Bernard covered the hands of Terenia with kisses; and both wept.

"I have an appointment and a salary of four thousand florins," suddenly cried Bernard, for he only now remembered it. "I *had* it," he added, "for I have pawned it for one thousand florins."

The old lady looked for a while at him silently, which astonished Bernard. "Poor people should certainly show some evidence of joy at such an announcement," he thought.

"We will talk about that afterwards," finally said the old lady; "now, we will go to dinner, for I am quite hungry."

They went down stairs. A carriage, with a splendid pair of horses, stood before the door.

"Young people first!" commanded the old lady, with a smile at the astonishment on the faces of the young couple, and ordered the coachman to drive to the New World.

The carriage stopped before one of the finest mansions of this fashionable street. The old lady got out and led the way. They went up to the second story. They passed through one, two rooms, both very comfortably but not showily furnished. In the third stood a table, set for dinner. Miss Elizabeth

appeared to have just given it the finishing touch, by placing a vase with rare flowers in the centre.

"My children," said the old lady, "here is your home. You have six rooms, and the seventh is mine. This will answer for the present; when you require more, we shall consider the matter further. Now let us say grace, thank God for all, and sit down with a good appetite and a clear conscience."

* * * * *

And is this the end?

But the million? What of the million?

I have not counted the million, and can, therefore, say nothing explicit about it. Those who were cognizant of this affair have told me, however, that it was reported in all the Warsaw drawing-rooms that the Chamberlain's widow had actually counted out a million in ready money to Bernard. Some even say they saw it.

But in spite of the million, Bernard kept at work, and rose to the highest offices; and when some friend confidentially asked him whether he had actually received a million from the old lady, Bernard would walk up to Terenia, kiss her rosy mouth, and reply:

"Don't you, brother, think this is a million?"

"But," would rejoin the inquisitive friend, "I know all about this million; I asked about the money."

"In that case, you should have asked if I had received two millions, and then I would have answered the question."

The categorical answer was, however, never given; but his friends after that sincerely believed he had really received two millions.

[THE END.]

A DREAM OF HOME.

LOW wave-like hills of vivid green ;
Air that is fragrant with birch and pine ;
A rippling brook through the alders seen,
Through the tasseled alders' dark - green line.

The thorn - tree wears clusters of blush - tinged white ;
Beneath, violets hide, of the deepest blue ;
Buds are swelling on knoll and height,
To burst forth as blossoms of every hue.

This slope is golden with spring's first bloom,
Open at day - break, and closing at eve ;
Beyond, ever - green woods, in grandeur and gloom,
Their solemn, mysterious harmonies weave.

There, in the quiet forest shade,
In their chosen nooks, nestle May - flowers sweet ;
There fern - brakes uncoil, in the edge of the glade,
Long time ago trod by elfin feet.

And the elves left their cups on the hillocks of moss,
When they vanished forever from mortal ken ;
And the cool, deep spring, where the branches cross,
Was the gracious bequest of the fairies to men.

A winding path leads the bank adown,
Where the little brook runs to meet the river ;
Under foot lie the old leaves, withered and brown,
While above, the young leaves dance and quiver.

Grave toads in the sunshine bask, or leap
As a fly comes in range of their owlish eyes ;
Shy squirrels through the foliage peep,
And startled birds from their nests arise.

The path opens out by the river side,
Where the ruined huts of the Indians stand ;
Below the bank, at the bound of the tide,
Sea - weed and drift - wood lie heaped on the sand.

Sounds from the ship - yard come to the ear,
Mallet and chisel of busy wright ;
A worn-out and shattered hulk lies near,
Briny and blackened, half - buried from sight.

Over the rocks — through the tangled growth —
Across the fields — to the cottage white ;
Lingering — loving — to waken loth —
I watch the coming on of night.

There on the hill - side, the weary rest
 Lulled by the music of bird and breeze;
 Peaceful and low are their dwellings blest —
 Cool in the shelter of wide - branching trees.

The sun, sinking low in the reddening sky,
 Leaving the valley in shadow and chill,
 Floods with golden light the place where they lie —
 Crowns with a glory the trees and the hill.

The gold and the crimson grow dim, and I hear —
 Through the pause and the hush, telling labor is o'er —
 In rhythmical murmurs, now far and now near,
 The beating and swell of the waves on the shore.

Now gather and deepen the evening shades,
 But the stars shine forth in the heaven above;
 And I know, though I cling to the vision that fades,
 That yonder is home, and light, and love.

Mary Bernard.

THE NEWSPAPER IN AMERICA.

WHEN we accustom ourselves to hear some one daily discuss questions of public interest, his views and opinions soon begin to inspire us with a certain degree of confidence; and when the abruptness of his logic is at the same time tempered by a skilful rhetoric, these opinions and views will, in the end, even in spite of ourselves, be adopted in various ways, and exert a controlling influence over our minds. The newspaper of a free press stands to-day in this position. It is the familiar of all men, of all degrees, of all occupations. For the idle, it is a friendly gossip; to the busy, it shows what business is at hand; for the politician, it reflects the feeling of party; for the holiday-maker, it talks about new plays, new music, and the last exhibition. Its ample page is full of the romance as well as the facts of real life. The types that to-day tell the abdication of a king, or the death of a

good man, tell to-morrow the price of tallow and flour. As they stand side by side, these tall columns of words show us the hopes of the sanguine and the sufferings of the unfortunate; they hang out the enticements of the trader who would sell his wares, and of the manager who would fill his theatre. Shoulder by shoulder are the reports of public festivities, and lists of bankrupts and insolvents; and in as many paragraphs we find linked the three great steps of a generation — the births, marriages, and deaths. The newspaper of the day is the great engine which never rests. It has ambassadors in every quarter of the earth, its couriers upon every road. Its representatives march along with armies, and its envoys walk into the cabinets of statesmen. It is ubiquitous. Its broad sheet tells the passing history of the world we live in, and faithfully reflects the feelings, the actions, the aspirations, the prejudices,

the glory, and the shame of the man of to-day. If history be experience teaching by example, the newspaper is a teacher who offers much better evidence. It gives us, day after day, the experience of mankind as it exists around us, and the experience of the world's doings for the amusement and the guidance of the living. It is a great mental camera, which throws a picture of the whole globe upon a single sheet of paper.

All thinkers have borne testimony in favor of the newspaper press—scholars, statesmen, essayists, jurists, poets, and divines. In the ripe autumn of his years and knowledge, Dr. Johnson said: "I never take up a newspaper without finding something which I should have deemed it a loss not to have seen; never, without deriving from it instruction or amusement."

When a nation has accustomed itself to educate its mind in public affairs, its moral feelings are strengthened, its low and ungoverned passions are directed to more definite and fixed objects and measures. There is no greater peril to a political power than ignorance, and modern France is a living illustration of this truth. On the other hand, who would dispute that the American people are faithfully reflected in their press? This press may have its great and numerous faults; it may adhere to many errors; it may often reason from false premises, and pander occasionally to the baser human instincts; but its defects are completely overshadowed by its great virtues, which have contributed largely to make the United States what they are—a well-organized and free people, who love law and justice, and are both enterprising and prudent. This press has also been a potent lever for the production of a purer literary taste among the masses. The diffusion and character of this leader of public opinion, when properly appreciated, explain to a certain extent the universal love of reading which forms so striking a feature of the great Republic.

The United States is the only coun-

try where the periodical press has not been obliged to pass through a long and severe struggle; where it did not obtain influence and popularity at the cost of cruel persecutions; and where it has enlisted early and almost without opposition on the popular side. No less are the Americans, the youngest nationality, those who can boast of the oldest established newspapers, sheets whose existence dates back a whole century. It may be boldly asserted that, from the moment when the Americans possessed printing materials, they also had newspapers. The press, which had to fight its way so arduously on its first appearance in the Old World, met on our side of the Atlantic hardly any other obstacles to its development than material ones, which were unavoidable in a country where everything had to be newly created, and where the jealous policy of the Mother Country suppressed every industrial enterprise in the bud, and sought to restrict all labor to agriculture. Hence it came that the newspaper press was employed little, or not at all, during the colonial period of the American communal system; but, in an historical point of view, it is worthy to note as an indication of the wants of the first New England settlers and the enterprising spirit of those days, that as early as 1689 a "News-Letter" was printed at Boston, and that a regular newspaper made its appearance in the same place on the 25th day of September, 1690.

This pioneer of the press occupied itself with foreign and domestic news, and was printed by Richard Pierce for Benjamin Harris. Only a single copy of this rare relic survives now in the State Paper Office at London. Immediately after its appearance, this paper attracted the notice of the legal authorities, and they, being of the opinion that "it was a pamphlet and therefore contrary to law," it was prohibited. The sheet was essentially a *news*-paper, reporting only contemporary events at home and abroad. It was, therefore, the first newspaper in the territory

which is now the United States, and deserves on this account to be mentioned in history.

Another fact, no less interesting historically (though overlooked by most writers), is that Governor Fletcher of New York had, in the same year, a "London Gazette" reprinted in the colony, which contained the details of a naval engagement with the French.

The Boston newspaper enterprise was, however, not forgotten; but was revived successfully, and at a more auspicious time, during the earlier years of the eighteenth century. If newspapers which preserved their existence were found in the British colonies about this period, it must be accepted as an irrefutable proof, as well of the mental energy of the embryo nation as of the rapidity with which the ideas and customs of the Mother Country were transplanted to the New World. How precarious must have been the prospects of an American newspaper in the year 1740, when in London, then already the largest city in Europe, a newspaper was still a novelty, while the entire population of the colonies hardly amounted to two hundred thousand souls, which lived in eleven or twelve different provinces, scattered along a strip of coast three hundred miles in length! The colonies were themselves partly still in a state of nonage, managed by separate administrators, ruled under different laws and customs, and without any connection between them. The New England colonies, the largest group among them, had not over eighty thousand people; and Boston, which, by the number of its inhabitants and the extent of its commerce, held the foremost place among all American cities, counted no more than eight thousand people. But the population of the country was not only dispersed over an immense area; it likewise lacked the most indispensable industries. A newspaper cannot exist without a printing office, and nothing is easier than to enumerate the presses at that time in operation on

the American main. In 1671, sixty years after the settlement of Virginia by the English, Governor William Berkeley could still say in his report: "God be praised! we have here neither free schools nor printing presses, and I trust we may not have them for the next hundred years; because education has been the cause of all assumption, heresies, and sectarianism in the world; but the art of printing has, in addition to these evils, encouraged attacks on the government." The wish of Governor Berkeley came very near being granted; for sixty years passed before Virginia, the richest and most populous province of the colony, could boast of owning a printing press. The majority of the provinces had presses about the middle of the eighteenth century. Printers, as well as printing materials, had to be imported from Europe; and Franklin was the only American who understood the secret of making type before the War of Independence. He was brought to it by bitter necessity, and a method of his own invention.

The first American newspaper — if we except the ephemeral appearance of the suppressed sheet issued by Harris — came out on the 24th day of April, 1704, and its printer and publisher was John Campbell, the postmaster of Boston. The history of its origin is as follows: John Cotton, the famous preacher, who had introduced in America the custom of delivering a public lecture to his parishioners on every Thursday, whether founded on a passage from the Scriptures or on some historical subject, drew a large concourse of people from the settlements to the capital. This circumstance induced the local authorities to hold, on the same day, a great fair at Boston, by which means the country people soon became accustomed to come every Thursday regularly to the city. When the lecture had been concluded, everybody used to go to the Market Square to discuss the weather, the crops, and the affairs of the colo-

nies; to exchange local and neighborhood news, and to ascertain what tidings had been received from the other side of the Atlantic. The natural consequence of this was that the departure of the couriers, or mail-carriers, for the sister colonies, was also set for Thursday. This massing of the people, and the avidity manifested by them for news of all kinds, soon suggested to John Campbell the idea for his enterprise. In his capacity of postmaster he was the first to receive the news which came by the ships from Europe; the inland mail-carriers communicated to him the news current in the several colonies; and the fair-days, which filled his house with callers who brought letters or came for them, made him acquainted with all that occurred in his own province. These facilities, he thought, might be turned to account, by offering for sale all the news thus collected, in the form of a fly-sheet.

In this manner originated the first permanent newspaper, which gave the public ordinances, the colonial news, and a summary of events on the other side of the ocean. It was entitled the "Boston News-Letter," a name that reminds us of the written sheets which were everywhere the precursors of the newspapers, and suggested them. The newly established organ was given for sale to a stationer, named Nicholas Boon, whose stand was opposite the meeting-house. It is highly probable that Campbell was encouraged in his undertaking by the local authorities; for it seems that he thought himself rendering the public a service by issuing the "News-Letter." He not only alludes frequently to his mission, but in the many petitions which he addressed later to the colonial government for a subsidy, he refers nearly always to the publication of his paper as the main reason. "For two years," he states, in a petition of 1706, "has the petitioner undertaken the task of printing for the public accommodation a weekly letter with the news, which contains foreign events, as well as lo-

cal reports, and which he publishes at a much smaller price than in England, though the expense is here far greater. But the petitioner has never yet received the encouragement indispensably necessary to cover the cost of his undertaking." The repeated complaints of Campbell show that his venture was not remunerative; besides this, he had other trials to bear. The great fire of the 9th of October, 1711, which laid a large portion of Boston in ashes, destroyed the postoffice also, and with it the store of Campbell, his press, furniture, and the printing material which he had purchased. He did not, however, permit these losses to discourage him, but transferred the printing of his paper, without delay, to a printer who had come over from England, named Bartholomew Green, in whose charge its mechanical department had been since the beginning; so that the Boston "News-Letter" continued to appear without interruption. The collection is complete at this day, and highly interesting to others than the Boston annalists. By and by, advertisements were added to the news; they at last made the undertaking, which had been so difficult in its earlier past, profitable; and when Campbell was turned out of the postoffice in 1718, he continued, nevertheless, the publication of his paper.

It was not until 1719 that he found an imitator and a rival, in Andrew Bradford, of Philadelphia, who combined the office of postmaster with the business of a printer, and issued, on the 19th day of December, the "American Weekly Journal," the first newspaper published in Pennsylvania. The ice being now broken, it was not long before other newspapers entered the field. First, Campbell's successor in the office of postmaster at Boston, one William Brooker, started the "Boston Gazette," on the 18th of December, 1720. This was a heavy blow to old Campbell, who one day came out against his competitor in the following language: "I pity the readers of the

'Gazette;' the sheet smells more of strong beer than of the scholar's lamp; it is no reading for decent and respectable people." The Boston "News-Letter," or, as it was usually called, the "old journal," remained, however, a paying investment, even after the establishment of a rival. Campbell retired from the "News-Letter" in 1722, when he transferred the sheet to his printer, Bartholomew Green. He lived after that six years longer; and at the time of his death we read in the paper which he had established: "Last Monday, the 4th of March, 1728, died here, at the age of 75 years, John Campbell, formerly Postmaster of this city, for many years publisher of the Boston 'News-Letter,' and one of his Majesty's Justices of the Peace for the County of Suffolk."

In the mean time, the Boston "Gazette" had also passed into other hands; for William Brooker, when he went out of office, transferred the paper to his successor. To indicate its relations with the postoffice, the Boston "Gazette" adopted a vignette, which bore a ship on the one side and a mail-carrier blowing his horn on the other. The "Gazette" remained the official organ until 1732. A new Postmaster, named Hurts, who could not come to terms with his predecessor, started a new paper, under the title of the "Post-Boy," and adopted on his vignette the mail-carrier with the horn; while the "Gazette" retained the ship. The latter paper added to its old title another, the "Weekly Advertiser," which predominated in time, and led to the assumption of the title, "Gazette," by a rival; so that the paper which bore that name originally was entirely forgotten. Like the "News-Letter," so the Boston "Gazette," its rival, also contented itself with giving the public ordinances, local news, etc., without comment. It never pretended to discuss the acts of the government, and met, therefore, only in a very imperfect manner, the demands made on a newspaper at the present day.

Seven months later, a newspaper made its bow to the Boston public, which published for the first time original articles, and which was soon destined, not only actively to interfere in local affairs, but to feel the rigor of the law. On the 17th day of July, 1721, appeared at Boston the first number of the New England "Courant," printed and published by James Franklin and Benjamin Franklin, his younger brother. The new paper differed from the beginning from all its predecessors and contemporaries, which only contained local news, extracts from foreign letters, market reports, and a few advertisements, but nothing like what we call a "leader." The "Courant," on the other hand, was composed exclusively of original articles and short essays on morals and literature. England had, in the years 1709-1718, the "Babblers," the "Spectator," and the "Tutor," all devoted to morals and criticism, which were only too early killed off by fiscal legislation, but whose brief existence had none the less sufficed to immortalize the names of Swift, Steele, and Addison. The Franklins desired to establish a similar journal in America. The principal part of the editorial work rested, from the start, on the shoulders of the scarcely fifteen years old Benjamin, as he himself informs us in his biography. It is, however, very difficult now to discover which articles emanated from his pen, so uniform is the style; a circumstance that reflects equal credit on the paper and the young journalist. The "Courant" gave criticisms on the poets of the day, and passed, frequently, a very severe judgment, seasoned with humor, upon their productions. All these articles were good criticisms, from an English standpoint. Morals, however, constituted a more prominent feature in its columns than literature. The vices and follies of the day were chastised with an unsparing hand, and with a vigor that at times bordered upon brutality. The tone was uniformly satirical. Neither the government

nor the puritanical clergy were spared; but every personal attack was carefully eschewed, and it is very rarely that we encounter a name in the "Courant." Its strictures were always based on principle, but they became often violent and coarse, and were not always free from abuse. But, upon the whole, there was nothing contained in the "Courant" which we may not occasionally see cause to condemn in the journals of our own period. Such was, however, not the opinion entertained of its course then; the Franklins incurred more hostility than friendship, more foes than well-wishers.

At that time, the power in the colonies was still in the hands of the Presbyterian Church and its ministers. In the clerical synods all the political measures were arranged and discussed; no aspirant could hope to secure public office, or to be returned to the legislature, without the endorsement of the clergy. Not content with controlling the government, the church watched with argus eyes the life of private individuals, and put the names of the offenders in what was styled the "Index." In this black book were entered the names of all who happened to incur the censure of the clergy by their heterodox views, their remissness in attending to their religious duties, or lukewarmness in the faith. This ecclesiastical surveillance was extremely distasteful to the Franklins, whose ancestors had themselves been persecuted for conscience's sake. They were, therefore, from tradition and principle, the opponents of these clerical pretensions, and of that sanctimony which those who wanted to prosper were obliged to feign. Against this false piety, and admixture of the sacred and the profane, the Franklins made open war; and the result was that they were denounced as outcasts, as the enemies of God, and even the few friends who used to meet occasionally at the house of the two young men's father, to discuss colonial affairs, received the uncomplimentary title of the "Free-

Thinkers' Club." The war between the clergy, whose organ was the Boston "Gazette," and the Franklins, soon raged furiously. Increase Mather, the head of the Puritans, fulminated the fiercest blasts at the recusants, and threatened them with damnation. When exhortations and threats had proved equally unavailing, the aged divine hurled the curse of excommunication formally at the "sheet of corruption." The Franklins made haste to print the curse, word for word, from the "Gazette," replied with a jest, and maliciously informed their enemy, a couple of weeks afterwards, that they had gained forty new subscribers.

Thus far the laughers had all been on the side of the "Courant"; but this sheet was no longer to defy with impunity a party which controlled the temporal power. When the session of the "General Court," as the Legislative Assembly was then styled, came, the "Courant," which had printed on the 11th day of June, 1722, a sarcastic article on the dilatoriness of the authorities, was the second day summoned, in the person of its editor and proprietor, James Franklin, before the high and mighty masters of the colony, and sentenced to prison for having published articles full of presuming reflections on his Majesty's government, the administrators of the province, the clerical body, the church, the university—all of which was calculated to inspire the mind of the readers with vanity, to the great discredit of God and the scandal of pious souls. This condemnation of James Franklin is all the more remarkable because it was the act of the popular power. The legislature arrogated to itself the right to sit in judgment on an author, and to sentence him without the intervention of a jury, without regular judicial proceedings, and even without showing whence came its authority. This is the first case which involved the freedom of the press in America. The colonial legislators, after the manner of the British Parliament, never hesitated to consider them-

selves at liberty to proceed against political writers, in defiance of all established and settled forms, and the fundamental principles of the common law of England, which require trial by jury. But this arbitrary exercise of power soon passed away, for the Revolution, which consecrated the independence of the States, also gave birth to absolute freedom of the press.

James Franklin remained in prison a whole month, and the "Courant" was in the interim edited entirely by Benjamin, the younger brother, who managed, as he himself boasts, to make it pretty hot for his enemies. The next prosecution of the "Courant" took place in 1723, under Lord Coke, the result of which was, that all its articles were afterwards subjected to a rigid censorship on the part of the authorities. This measure the Franklins, however, defeated by withdrawing the name of James from the editorship, and substituting that of Benjamin in its stead. The name of this great man and staunch patriot remained at the head of the paper long after he had removed from Boston, and until the suspension of the "Courant," in the latter part of 1727. Eight months after the second prosecution, Benjamin was led by some domestic differences with his father and brother, to leave Boston clandestinely, and to go to Philadelphia. James, who found himself incapable of carrying on the paper without the assistance of his talented brother, suffered it to run down, and removed to Rhode Island, which had as yet no printing press, and settled at Newport, before the Revolution the second largest city in New England. There he began, on the 1st of September, 1732, the publication of the "Rhode Island Gazette," but was suddenly overtaken in his labors by death, in February, 1735. After a brief suspension, the widow and heirs resumed the publication of the paper.

In Boston itself, when the proprietor of the "News-Letter" had died, appeared another newspaper, devoted to

politics, under the title of the "Weekly News-Letter," the first number of which was printed on the 5th of January, 1727. Green very soon consolidated both sheets in the "Boston Weekly News-Letter," a paper which, while pretending to be a political organ, troubled nobody, and never ventured to indulge in strictures similar to those which had given its dangerous notoriety to the "Courant."

At that time, when the oldest newspaper in America deemed it expedient to adopt a new policy, there was started at Boston, March 27th, 1727, the "New England Journal," printed and published by Thomas Green and Samuel Kneeland. One of the earliest issues of this paper recorded the death of Benjamin Franklin, the uncle of that great man who was beholden to him so much for his intellectual training. In point of time, the appearance of the "New England Journal" coincides with the beginning of that great religious movement of which the Methodist preachers, Edwards and Whitfield, were the chief promoters, and which reached its culmination in the year 1740. It was a rejuvenation of Puritanism, which brought back again all the religious excitement, the ascetic severity, and the stern discipline of the old days. The "New England Journal" was the organ of this extraordinary movement, and took a leading part in its religious and theological polemics. The paper was, with all this, very ably conducted; and though the religious element predominated in its columns, the local and foreign news was carefully sifted and summarized. It was the first American newspaper which took the pains regularly to register the births and deaths, thus enabling the statistician to follow and observe the increase of the population.

Besides the newspapers mentioned above, we meet also with the "Weekly Rehearsal," whose first number is dated September 27th, 1731. This paper was founded and edited by a man who played a prominent rôle in New Eng-

land, namely, Jeremiah Gridely, a distinguished lawyer and noted writer of liberal but royalistic principles, who had the honor to educate several signers of the Declaration of Independence for the bar. Attorney-General of Massachusetts, member of the Colonial Legislature, Colonel of the Militia, President of the Maritime Society, Grand Master of the Masonic Lodges, and a lawyer with an extensive practice, Jeremiah Gridely could not long edit the "Weekly Rehearsal," and he therefore soon transferred his paper to his printer, Thomas Fleet. The latter was an English radical, and had been forced to abscond from his native city, London, to avoid the persecutions of the Tories and the clergy, with whom he, a democrat of the purest water, had frequently come into collision. Fleet, who had seen the English press at work, no sooner obtained control of the paper than he completely changed it. He not only altered the name from "Rehearsal" to "Evening Post," but gave it the same form, arrangement, and looks, as the London journals. The "Evening Post" remained twenty-three years in the hands of Fleet and his sons. The impartiality of its editorials, the merit of its political disquisitions, the variety of its matter, the selection of its news, speedily secured it the first rank among the political press of New England. If Benjamin Franklin had not resumed his connection with journalism, it would have stood at the head of the American press.

We have seen the latter leaving Boston in consequence of some family trouble, in 1723. One must peruse the memoirs of this truly great man to learn the interesting and instructive story of the trials through which he passed in Philadelphia, and subsequently in England. Five years after his departure from Boston we meet him again in Philadelphia, where he was then established in business as a bookseller, printer, and stationer, on Market Square. But Franklin could not

be long in possession of printing materials without experiencing an irresistible desire to edit once more a newspaper. There was one in Philadelphia already, the "American Mercury," established in 1720, by Andrew Bradford; but this circumstance by no means discouraged Franklin. "I based," he says, "my hopes on the fact that the only newspaper in existence, though altogether insignificant, badly managed, and destitute of all attractions, yet made money for Bradford, its publisher." But Franklin was unable to keep his intentions a secret until he had the material required for his enterprise at hand, and informed Keimer, a printer of his acquaintance, of the project, who hastened to forestall the young journalist. Keimer, without delay, circulated in the city a prospectus abounding in fair promises, and actually issued in the first days of January, 1729, a paper, under the imposing title, "The Universal Instructor of all Arts and Sciences, or, Pennsylvania Gazette." A man with fewer resources and less self-confidence than Franklin, would have been disheartened; but, being a born journalist, he had his revenge within ready reach. He immediately became a volunteer contributor to Bradford's newspaper, with a view of crushing his false friend and rival. Under the name of the "Busy-body," he contributed to the "American Mercury" a series of articles on morals, customs, and the follies of the day, a series of genuine moral satires, wherein the style and ideas of Addison were very happily imitated. Keimer, utterly unfitted to contend against such a severe competition for public patronage, at the end of the third quarter made Franklin an offer to sell out his journal, with its ninety subscribers, for a mere song; an offer which was accepted at once. The first number of the "Pennsylvania Gazette" issued under Franklin's supervision appeared on the 25th of September, 1729. The new proprietor had entirely remodelled his paper,

having given it a handsome, tasteful exterior, and a correct, clean print. Nothing had ever before been seen like it in the typographic experience of the colonies, for their journals and public documents were uniformly printed on dingy gray paper, and hardly legible. But not only the mechanical portion of the "*Pennsylvania Gazette*" excelled; its politics were equally commended. Its editor came out, from the start, with a clear, distinct, and manly programme of principles. In the great struggle between Governor Burnet and the Legislative Assembly—a struggle that was destined to be continued under all the succeeding governors—Franklin fought with open valor on the side of the people's representatives. In the second number of his paper, October 2d, 1729, he published an article overflowing with sarcasm against the Mother Country and its colonial policy, in which he boldly took ground for the principle of independence, popular rights, and self-government. This courageous avowal, this confession of liberal views, made all the members of the legislature his subscribers, and procured him the support of the bulk of the liberal party. "The leading men of the colony," he states in his memoirs, "who saw a journal in the hands of people who understood how to use the pen, thought it politic to favor me and to help me along." It was not long before Franklin became the printer of the Assembly, which body also elected him, a few months later, its clerk. Some time afterwards, when the province issued paper money, he was awarded the contract for its printing; and the other provinces imitated the example. This is not the place to enter more fully into the trials to which Franklin and his paper were subjected, or the triumphs which they achieved; nor can we follow him from his position at the desk of clerk to his place in the Assembly, where he became the recognized head of the liberal side.

We have shown that the first news-

paper printed in America was fully fifteen years without a competitor; but the following years were all the more fertile in this respect. In 1740, as many as fourteen newspapers existed in the country; of these, Boston alone had five—the "*Boston Weekly News-Letter*," by the elder Green; the "*Boston Gazette*," by Thomas Green; the "*New England Journal*," by Green and Kneeland; the "*Boston Post-Boy*," the postoffice organ; and the "*Evening Post*," by Thomas Fleet. New York could boast of two newspapers, the "*Gazette*" and the "*Journal*." In Maryland, a paper was published at Annapolis by William Parker, from 1727 to 1736, but it suspended on the death of its proprietor; resurrected after an interval of nine years, by Jonah Green, it has been issued without intermission since, and still flourishes now as the "*Maryland Gazette*," the oldest of all American journals. South Carolina has had a newspaper at Charleston since 1731. Rhode Island had one at Newport since 1732, and Virginia, at Williamsburg, since 1736. The best supplied colony, after Massachusetts, was Pennsylvania. We find at Philadelphia two papers, the "*Gazette*" and the "*Mercury*"; the latter on passing into the hands of Bradford became the "*Pennsylvania Journal*." At Germantown was started the first German newspaper, in 1739, which indicates that the German element must have been largely represented in America before the separation of the colonies from the Mother Country. Of the six presses then existing in Pennsylvania, two printed papers in German, two papers half English and half German, and two papers all English. In 1743, another German paper was established by one Anthony Armruther, who assumed the name of Franklin, and became involved in a law-suit on that account. About eight years later, a newspaper, half German and half English, was established at Lancaster. At that period, it was necessary to publish the advertisements in English, Ger-

man, and Dutch, for only in this way could the Pennsylvania Germans and the New York Dutch be reached.

The succeeding years saw the establishment of a still greater number of newspapers; and very soon, not only each colony, but every town of any enterprise and importance, had its own organ. But it would involve us in a labyrinth of details to trace more closely the origin and fortunes of these papers, the greater bulk of which was insignificant in point of influence and talent, and ephemeral in existence. The history of the War of Independence, and of the war of pens which preceded it, are also so generally known in all their more essential features, that no description of them is necessary. We may even pass in silence over the famous prosecution of the New York "Weekly," in the person of its editor, Zenger, a Dutchman, in the year 1733, an event which Governor Morris characterized, four decades later, as the dawn of the American Revolution — for it is equally well known to all.

We have seen that the number of newspapers in the colonies was fourteen, in the year 1740. In 1771, that number had increased to twenty-five. From 1771 to 1775, it rose to thirty-seven, although by that time all the so-called loyal sheets had ceased to appear. This rapid increase of newspapers was an unfailing sign of the fermentation which was going on in the public mind, and the augmented influence of the press as a political factor. Of the thirty-seven papers which existed in 1775, all but one were semi-weeklies. The only one that appeared thrice a week was the Philadelphia "Advertiser," and even it was issued so often only when the Continental Congress was in session.

The period of the War of Independence may justly be said to have been the golden era of the American press, the time when it was the best and purest that perhaps ever existed. And it may be further asserted, without fear of contradiction, that on no other occa-

sion has the periodical press been vouchsafed so important a rôle, or permitted to exert so wide-reaching an influence on the course of events. All who have read the story of those times must know how bitterly the quarrel between the colonies and the Mother Country was fought out in the newspapers before it was decided on the battle-field; and when we examine this war of the quills more closely, it is impossible not to marvel at the immense disparity between the means employed and the results attained. Of the ephemeral sheets, published at long intervals, and doomed to a brief life, only very few copies exist now in the library of the Historical Society of Massachusetts and the British Museum. If we look at these small, gray, square pieces of paper, often no more than six inches, printed in characters hardly legible, who among us would imagine that they were the instruments of a gigantic and irrepressible Revolution, which taught the American people its rights, awakened in its heart a craving for independence, and plunged it into that unequal contest from which its energy and fortitude were destined ultimately to bring it forth triumphant and free! But it is not the magnitude of the events and the inestimable value of their services alone, which inspire us with such admiration for the journals of that heroic time. If the American press wielded so powerful an influence over the minds, it was because it numbered in its ranks all the great men of the colonies. It was utterly out of the question for anyone to have remained neutral in the great struggle, and, least of all, for those whom station, wealth, or talents, had invested with moral authority, and who were able to wield a pen. At this time, the popular newspapers presented an array of talents such as we may not expect to meet soon, if ever, again: Franklin, the two Adamses, Jefferson, Jay, Alexander Hamilton, all belonged to the press before they passed permanently into history. After these dis-

tinguished men had sown the seeds of the Revolution by their writings, they kept up, during the fluctuating fortunes of the war, the frequently shaken courage of their compatriots; and when the new nationality was formed after the victory, the latter naturally turned their eyes upon them. The patriots then laid down their pens to become members of Congress, like Carroll, Jay, and Madison; or ambassadors, like Franklin and Adams; or ministers, like Jefferson and Hamilton. But the places which they vacated on the press were never filled again. The number of educated, experienced men, capable of conducting the public business, was exceedingly small in the colonies. The bulk of the intelligent classes had espoused the side of the Crown in the struggle, and nearly the whole legal and clerical professions had either emigrated, or been banished and proscribed as "loyalists." The infant Republic had consequently no superfluity of talent at its command for the service of the people, and there was abundant need for all of it in the administration, the judiciary, and the different legislative bodies. Under these circumstances, the recruiting for the press became more and more difficult. The newspapers soon began to fall off. As they passed from the hands of the leaders of the Revolution into those of hired scribblers and mere speculators, the questions treated in their columns steadily lost in importance and interest. It was no longer the salvation of the nation which was at stake, but simply the way in which the dearly purchased liberties should be perpetuated and used. Party contention, with its train of base passions and intrigues, now took the front rank, and the rivalry of selfish politicians gave rise to an angry polemic. In addition to this, the domestic affairs of the thirteen small States which constituted the Confederation, began more and more to monopolize the newspapers; and the constant provincial jealousies, a fruitful source of scandal and

hostility, ended in divesting the American press, after the Revolution, of much of its moral authority and prestige. Many a voice was heard to protest in the name of literature against this decadence — against this perversion of journalism. But even the warnings of such men as Hopkinson and Franklin were of no avail. The press had descended from its pedestal. Still, even in the midst of a state of things which pained and alarmed all intelligent and thoughtful men, there were some honorable exceptions among the newspapers; a small number of them never ceased for a single day to render good service to the country, and became shining beacons in this dark period.

For this distinction, the press was mainly indebted to Alexander Hamilton, who found time to write and instruct his fellow citizens in the midst of the political contest, and while almost overwhelmed by his onerous public duties. The services rendered to the young Republic by this truly great man, who was as indefatigable as he was brave, have been rather under than over-rated by his contemporaries. The war had clearly demonstrated all the deficiencies and inconveniences of the improvised national government which ruled the States. The want of a supreme and single executive, the incessant conflict of authorities and powers which differed in their origin, had repeatedly jeopardized the cause of colonial independence. Hamilton was one of the first who turned his attention to the discovery of some remedy for these evils. Those around him were prepared with a thousand chimerical schemes; one party desired still more to weaken the already sufficiently feeble powers of Congress and the Executive, while another was ready to surrender the rights of the sovereign states without the least reservation. The keen eye of Hamilton perceived, with almost prophetic clearness, that the salvation and perpetuity of the young nation depended chiefly on a

better distribution of the attributes which the government had left to the local legislatures, and on confiding to Congress exclusively the management of federal affairs. While respecting the independence of the several States, he recognized at the same time the necessity of replacing the precarious league between the old colonies by a durable and strong federation. It was with this view that Hamilton started a newspaper which he called the "Continentalist," and in whose columns he explained his theory of the union of the American nation. Most numbers of this paper, or rather this periodical publication, are unfortunately no longer extant, but those which have been preserved define with admirable lucidity and force the views of their author. He demonstrates there all the faults of the then existing system of government, and prepares the way for the constitution under which we now live, by mapping out its leading features. The "Continentalist" was followed up by the "Letters of Phocion," contributed to a New York paper, to oppose a law passed by Congress which condemned all Americans who had adhered to England during the War of Independence, to exile and confiscation of property. The noble and magnanimous Hamilton was greatly pained to see the triumph of a just cause stained by needless severities, and he assailed the law with all the eloquence and logic which distinguished him. This chivalrous course, incredible as it must seem, came very near costing him his life. Some fanatical young Democrats in New York resolved to kill him for taking the part of traitors; and nothing save a timely warning saved Hamilton from assassination.

When the Convention called to revise the Constitution was in session, a newspaper appeared, whose name has become historical, and will live as long as this nation itself. This paper was the "Federalist," to which Jay and Jefferson contributed, but the greater part of which emanated from the pen

of Hamilton. This paper made it a special feature to elucidate and defend the young Constitution, and to explain its mechanism to the public, as well as to repel the attacks to which the new compact was exposed from the beginning. It was no light task to make the highest principles of governmental and political science intelligible to the understanding of the masses; but Hamilton succeeded in solving this problem with rare skill, and the "Federalist," a masterpiece of analysis, lucidity, and keenness, will go down to posterity with the Constitution, whose shining commentary it is, and to whose adoption it largely contributed.

This was Hamilton's last literary undertaking. The confidence of Washington, who had in the mean time become President, called him to high positions in the State, and thenceforth he was too much engrossed by public affairs to write for the press. After the author of the "Federalist," we meet with only two political writers who deserve mention—Fisher Ames and John Quincy Adams; the first of whom won laurels in the Boston "Journal," under the *nom de plume* of "Publicola," and the second under that of "Marcellus." When the great men who had now and then shone during the earlier stages of the decadence of the press, withdrew from the ranks of the publicists, the character of the American journals rapidly deteriorated. The style adopted during the French Revolution affords only a feeble idea of the language then habitually employed by our papers. It seems really difficult to understand how a civilized people could, in the midst of a profound peace and steadily progressing intelligence, tolerate so long and without rebuttal, a regular system of slander and abuse against all its public functionaries, magistrates, and political leaders. Not a single newspaper was able to resist the contagion; not even the "National Gazette," founded by Madison and Jefferson, in Virginia, which surpassed all bounds in its attacks on Washing-

ton. But the most reckless and indecent of all was the "Aurora," of Philadelphia, a sheet which, we regret to state, was edited by Benjamin F. Bache, the grandson and heir of Franklin. But it was not alone the retirement and death of these great men which caused the decadence of the press; two other causes contributed their share to it. First, the number of petty States which cultivated the grossest particularism, and appealed to the church-spire patriotism of their readers; instead of leading their immediate public on to the discussion of great national questions, they stirred up partisan feelings, sectionalism, and scandal. Secondly, the preponderance of advertisements, which made the papers for a time mere commercial ventures.

This brief sketch of the origin, rise, and progress of the American press, would be incomplete without a few statistics in relation to its development. In 1775, the United States had, as we have seen, 37 newspapers, 26 of which were semi-weekly, and 1, the "Philadelphia Advertiser," tri-weekly. A quarter of a century later, in 1800, there existed 200 newspapers, of which 17 were dailies. In 1810, the number was 358; in 1828, it was 812; in 1840, it was 1404; in 1850, it was 2302; in 1860, it was 3343; in 1870, it was 4967; and to-day, the number exceeds 6000. But this incredible increase of the American press is not due alone to the rapid growth of the population and its distribution over an immense territory. The newspapers have multiplied most in the older States, and, singular to relate, in those parts where they were already most numerous. During the last twenty years, the Southern States have had the fewest papers.

The above statistical data are the evidences of a truly marvellous progress, and, to be fair, it must be conceded that the American press has not multiplied without also improving in ability and usefulness. The journals of our day are immeasurably superior to those of fifty years ago, and for this

improvement we are much indebted to Robert Walsh, who established the "American Register" in 1817, at Philadelphia, as well as to the editors of the "New York American," Messrs. King, Hamilton, and Verplank. The number of journals edited by men of superior minds and the highest respectability, each of which exercises great influence within its own sphere, is quite large. But not one of these journals, not even the New York dailies, whether considered as political organs or as commercial enterprises, possesses the importance of the larger London or Paris newspapers, nor do they exercise, either directly or indirectly, the same powerful influence over public opinion. The cause of this lies mainly in the political condition of the country. Although the people of the United States constitute a homogeneous nation, they are upon the whole an aggregation of distinct communities, each of which has its own capital and interests. In this respect, the United States are a political anomaly. In England, and especially in France, public opinion is directed by the great journals published at the capitals, the provincial organs being completely overshadowed by them, and reduced to the position of simple advertising mediums. From the peculiar organism of the United States, it follows that no city exercises a decisive or preponderating influence beyond a certain limit, and that there is no such thing as a capital like Paris which absorbs all the intellect of the country, and whence naturally emanates in return a controlling impulse.

The expenses of the first-class dailies are very large. Though the money here paid for editorial services is relatively less than in Europe, the telegraphic despatches, which take up whole columns, cost enormous sums. The five New York two-cent papers combined for a time to obtain jointly an analysis of the Congressional debates from Washington, the reports of the legislative proceedings at Albany,

the election news, etc., for \$100,000 per annum. But this relieved none of these papers from the additional large sums for special despatches sent by their correspondents. The American daily of the first-class has correspondents not only at the principal points of the country, with instructions to telegraph everything of interest, but it has resident correspondents in Europe, and in all the more important cities of South America. The great English journals are content with having daily reports sent them from the chief points of the European main. The great American daily is the panorama of the whole world. It registers what transpires in Brazil, Peru, Chili, with the same accuracy and care as the news from Paris and London, or a letter from Peking or Kamschatka.

It remains for us now only to cast a glance at the moral standing of the press in the United States. As an instrument of publicity, the American press plays a grand part; one might say that it is a vital necessity of the nation, and that it forms the logical keystone to its political institutions. It is the press which animates the immense elective organism. It is the press that incites to the political contest, without which the popular elections would be a mere formality, and which fans it with all the fire of eloquence. It is the press which summons the people to the polls by attaching a meaning to names, and which connects every nomination with the triumph of some idea or party. No less influence has the press from another point of view. The mental pabulum of the working classes, it is the great educator of the masses of the people, the monitor which instructs labor in its rights, which guides it in the exercise of its public and civic duties, which enlightens it as to men and things, which battles in its behalf; but which also at times strengthens its prejudices. He who controls and sways the masses in a country where universal suffrage prevails, is master of the situation and

the national destinies. Hence it follows that the American press often impels the country in a certain direction, be it for war or peace, for good or ill, as the incessant sermonizing of the journals creates a current which nothing can withstand. This is a colossal power; but each newspaper wields only a microscopic part of it, and not enough to serve any one man for a pedestal. An editorial position on the staff of an American journal, even if it be the most influential, does not, therefore, confer in the United States the same prestige on a political writer as in Europe; such a position rarely leads to fortune, and still more rarely to fame. As regards the moral character of the American newspaper, we have already admitted that they are often negligently edited; but they avoid almost without exception, everything that is calculated to offend morality. Attacks on religion and morals are scrupulously excluded from the columns, and public sentiment upholds the journals in this course. Never have shameless assaults and indecent publications, especially in reference to women, been countenanced in the United States; and scribblers like Rochefort and his kind would soon be put down. The political press is, it is true, sometimes very bitter in its tone; partisan feelings often gain the ascendancy; but it would be unfair to say that a leaning to personalities was a general characteristic. The few sheets which indulge in this practice are the exceptions—the excrescences. The journalism of the United States resembles their population: it is versatile, elastic, and practical. Every interest, every social or political theory, has its exponent. Brevity, pointed reasoning, pregnant expression, characterize the leading articles. Indeed, it is remarkable how one man often manages to accomplish so much, to write so much and so well, day after day, as many American editors are known to do.

The attitude of the American press during the Civil War suggests the

seeming paradox, whether it may really be said to be free? It is certain that no legal chains shackle the American newspaper; but, on the other hand, it is absolutely dependent on a capricious and despotic master—the multitude. The greatness and beauty of newspaper literature lies in the mission entrusted to the journalist to enlighten, direct, and correct public opinion when it goes astray. Unfortunately, the public judges very quickly; it obeys its instincts, and it requires time to strip it of its errors. But the American press always lacks this time. Possessing few regular subscribers, it has not, like the European, a body of permanent customers to fall back upon, and to sustain it through a crisis; it exists from day to day by the sale of its copies. The instant the fickle multitude abandons the paper which was popular, the instant the agents and newsboys fail to sell, ruin impedes, and the journal must either be silent, or change about and “howl with the

wolves.” There is no stronger incentive to recantation than the fear of ruin. The multitude is quite as absolutistic as a despotism, only it has no occasion to play the hypocrite. Newspapers have more than once been silenced by mob violence. To this circumstance must be attributed, in a great measure, the one-sidedness of the press during our late Civil War. Thus, for instance, a portion of the New York press was, at the breaking out of the trouble, in favor of a peaceful separation from the South; but fear of the populace soon drove them to advocate coercion. On the other hand, many papers in the South were opposed to secession; but fear of the slaveholders equally silenced them. The course of the authorities on both sides was no less arbitrary and despotic during the progress of the war. North as well as South, papers were suppressed by force, and their editors and publishers persecuted and imprisoned.

W. P. Morris.

RETRIBUTION.

A WOMAN in tears in a widowed home,
Sits down by a vacant hearth and board;
Ponders the puzzle that poverty brings—
The problem of eking her scanty hoard:
“This is the price that I pay,” sobs she;
“This is the cost of the war to me.”

A planter leans over a ruined gate,
And looks at a desolate land in grief—
Mourns for the loss of power and place,
And luxury past our present belief:
“This is the price that I pay,” groans he;
“This is the cost of the war to me.”

A negro stands calm at the polls, and you hear
A novel name read by the judge from the list:
“The mills of the gods grind slow?” No doubt;
But sooner or later they grind us the grist.
“This is the prize I have won,” laughs he;
“This is the gift of the war to me.”

S. S. Rockwood.

HOW IT HAPPENED.

WE all said it never would happen. And since we all said so, everybody else said they were sure it never would happen. We had talked it all over — Mother, Jennette, Sue, and I — and had decided that such a thing never had happened in the annals of our family, and never *could* happen.

And then to think that after all it *did* happen!

But in order to make it all understood, I must begin at the beginning. You see it was this way: They had taken the house across the street, two years before; had come from, no one knew where, and were, no one knew who. It was evident they were people in moderate circumstances; and we made up our minds that they had always been accustomed to strict economy. And yet, there was a certain air of well-bred ease about them that would have imposed on most people, but which to our view was nothing more nor less than affectation. Some folks have a wonderful readiness at adopting the manners of those above them in social station; and Rebecca Graves excelled anyone I ever saw.

We called upon them as soon as they were fairly settled; for one reason, they lived right across the street; and another was, that having lived here for twenty years and more, as we have, and standing as we do at the head of Claytown aristocracy, it is in our power to secure or deny an entrance to that circle to anyone whom we may elect. At least it had always been so; and we called upon the family across the street with the intention of deciding upon their merits, and prepared to be very gracious, if the case seemed to warrant.

But talk about patronizing! One might as well attempt to patronize the north star. The family consisted of Miss Rebecca Graves, her widowed

sister, Mrs. Monteith, and her four children.

The door was opened by Miss Graves herself; they kept no servant, and one might think, by her easy, unembarrassed manner, that she considered tending door the most desirable occupation in life. In fact, that was characteristic of everything she did.

We did the best we could to find out something about their antecedents; but every allusion to a former residence was avoided in a manner that left no room for remark or question.

I confess I did not like them; they seemed too secure in their own position, and too little conscious of the superiority of ours; too regardless of the honor we were willing to pay them. To be sure, Sue said, Why should they seem overwhelmed? We are only paying a neighborly civility. And when I said something about liking to see people unassuming in the presence of superiors, she replied with her usual sarcasm that they probably had not yet learned what very superior beings we were; and perhaps as soon as they discovered it (if they ever did, which she thought doubtful, not seeing any good reason why they should), they would adopt a becoming air of humility in our presence. But Sue never had a proper idea of the family dignity; in that, she is just like Hugh, and they encourage each other, to our great distress. I am sure Hugh would never have taken just the course he has, if he had not had Sue to aid and abet him. I do not pretend to say that I am sorry — every thing having turned out as it has; but it might have been very different.

For you see, that though Miss Rebecca Graves was very quiet, and went out very little, she seemed to gain the good-will of the townspeople, from little lame Jo, the gardener's son, to Judge Hubbell, who lived on the hill,

and whose mother was a Payson. Her sister, the widow, was also very quiet, keeping house, taking care of her four little children; and though not approving of any of them, we could not help admitting that she was a model of discretion and propriety. We heard that her husband had been a chemist, and had met his death in making some experiment or other, being devoted to science. But that old Mr. Graves had been a mechanic, was certain beyond a doubt; and that the mother had been a teacher all her single life, we also found out. Of course that is all perfectly respectable. I always feel it my duty to encourage honest industry, and all that; but that there is a marked difference between those who work and those who do n't, is evident to every eye.

When I made that remark to Hugh one day, he said he agreed with me fully; but there was such a peculiar accent, that I felt uncomfortable for hours. He is a splendid young man, and every possible pains has been taken with him; and fondly we hoped he would make his mark in life. He is twenty-eight years old, the youngest of the family—that is, the youngest boy, I mean—and destined from his boyhood for the bar. It has been our hope to see him at the head of that profession, thrilling a crowded courtroom with his eloquence, and in time wearing a judge's robes. When we have so long hoped for this, it was a terrible blow to have him finally decide positively that he could not and would not have anything to do with it. And to think that he should choose to be a machinist; to black his hands, wear smutty clothes, and then pretend to delight in what he called his profession! There was a stormy time when he made his decision known. Mother said, in her grand way:

"My son, it has been the hope of my life to see you stand high in the legal profession."

"No use, mother. I've tried my best to make up my mind to please you; but I'd rather be a good shoe-

maker than a poor lawyer; there is a crowd of them now."

"But, my son, you need not be a poor lawyer; you have talents—"

"I'm sorry for you, mother; but I'm afraid your eagle is only a common barn-yard fowl, after all. But if I have any talents, you need not try to drive them out of their right channel."

Jennette spoke up in her clear voice: "How can you find it in your heart to like that horrid machine-shop?—the smell of oil, the dirt, and confusion! To me, it argues a want of refinement, a fondness and congeniality for low, coarse pursuits, that I did not expect one of our family to exhibit. I cannot account for it."

That last was an unlucky speech, for it gave Hugh his chance.

"Can't account for it? But I can. Have you forgotten that chest of tools up in the garret?"

"For heaven's sake, Hugh, do hush!" cried Mother, Jennette, and I, in a breath.

We were one of the families—according to our ideas—who could n't afford a grandfather. Our father's father had been a carpenter—mother tried to call him an architect—and any allusion to it was exceedingly harrowing to our feelings; but Hugh did not spare us. When argument failed, that would drive us out of the field and leave him victor.

While my father lived, his love for the father who had worked hard that he might be educated and fitted for an easier life, led him to keep the chest of tools as carefully as though they were a badge of honor—which Hugh declares they are; and mother has kept them since.

It was a funny whim of hers to preserve them, for they were a thorn in her side; but I fancy there was a vein of romance, a tender place in her heart, that led her to carry out a wish so at variance with her own feelings. *She* brought the money and the position; and my father thought too little of either to sympathize in her ambitions.

One day, when Hugh was about sixteen, he was rummaging in the garret, and came across the old tool-chest. It had not seen daylight for years, and he had never even heard of its existence. He had never known that any of his name and blood, for generations back, had ever earned their bread in the sweat of the brow. When he learned all about it, he commenced such a tirade against false pride that mother declared to us afterwards it made her tremble.

"I tell you, mother," he said, "these old tools are dearer to me than the family portraits you are so proud of. And besides, they make me understand myself a little better. Give the chest into my keeping—let it be my portion; I imagine I have a little of my grandfather about me."

We effected this compromise with Hugh: He was to go through college, and after that, if his tastes and inclinations had not changed, we were not to oppose him further. We trusted that, at the end of that time, he would have a higher ambition.

We knew that he kept all sorts of toy machinery in his rooms. Now it was a perpetual motion, now something else, that was to result in a wonderful invention. We paid no special attention to it, till, having finished his college course, we asked him in regard to his future, when he told us he had decided that question years ago, and never for a moment swerved from his purpose; and was now ready to apply himself to his own work.

Arguments were of no avail; he carried his point, for though he lacked the family pride, he had the family obstinacy. He made thorough work of it; worked daytimes and studied nights. Civil engineering, natural philosophy, and all kindred subjects, were his delight; and his ardor in the face of all our discouragements, was something wonderful. But he prophesied great things for his future, and, believing him or not, we were obliged at last to hold our peace.

That was several years ago; we have seen some of his prophecies fulfilled. He was established in the city when his first invention was pronounced a success. Compliments and congratulations were offered to him without stint; but he came home to receive them from us, who had laid every obstacle in his way that could be thought of. But we were proud of him, and told him so; but thought it only natural and proper that he should achieve success. In fact, we should have thought that fate had made a great mistake had it been otherwise.

But Hugh was more modest. I said, one day, that it was "exceedingly gratifying to me that he was so honored; that he had so elevated the—ah—so elevated the standard of—of the—"

"Never mind about the big speeches. You and I do n't understand each other very well, as a general thing; however, I'm glad if you're glad. But I tell you this: the fact that I'm honored, as you call it, and making money, is nothing compared to the consciousness that I have been able by my little gift of invention to lighten the labor of thousands, to bring, through the work of my brain, lighter work to weary hands, and added comforts to many homes."

That was just like Hugh; but though I did not take just that view of it, I was content to let him enjoy his Quixotic notions, and professed myself much impressed by the grandeur of his motives.

Of course, whenever he came down to Claytown the people paid him every attention, seemed, in fact, to take a personal pride in him. He had been a favorite—unlike the rest of us—and now they all seemed to enjoy his good fortune with him.

On one of these occasions—he had been home for a month or more—when sitting on the piazza one evening, he asked suddenly:

"Who is living in the little house across the way?"

The question we had looked for had

come. We had purposely avoided any allusion to our neighbors in Hugh's presence, and it had happened fortunately that every time he had been down Miss Graves had been away from home.

"Oh!" we answered, "a Mrs. Monteith, widow lady, with four children."

He looked disappointed; but asked again:

"Is she young and pretty?"

"What has happened, Hugh? Something serious, I am sure, when you enquire so anxiously about any woman. No, she is not exactly young; but has the relics of beauty. Why?"

"Nothing. Only as I've had so little to do to-day, I've amused myself in watching my neighbors; and my laudable curiosity has hardly met a fair reward. I've seen some one up in the front room of the house, writing; her face and figure have been out of my sight, but she was so seated that I could see her hand and arm, and a marvellously pretty hand and arm it is, too. I've seen one in my life like it, and I'd like to see her face; I think I know how it ought to look."

He said no more, and the subject dropped.

There was a young lady visiting at Judge Hubbell's, whom we had been anxious for Hugh to meet; a charming girl, who had plenty of money and plenty of rich family connections, and sense enough to make a graceful appearance, and not enough to be uncomfortable. Hugh had called there two or three times, and had pronounced her a "sweet girl"; but we never knew just what he meant when he used one of the expressions common to fashionable society.

Now Rebecca Graves was not by any means a sweet girl, but she had a very taking way notwithstanding, and for some reason I had a vague fear that Hugh would make her acquaintance. And if he did, and took a fancy to her, why, all the king's horses and all the king's men would be no obstacle in his path.

The next evening, sitting on the porch waiting for Hugh, we suddenly observed him across the street, walking leisurely along with Miss Graves. I looked up, and said:

"I told you so."

Mother looked a trifle annoyed; but said:

"Don't say anything disagreeable about it. No doubt he can explain it all."

Hugh came across into the house, looking particularly gracious.

"Who was that?" said I, at length.

"She was introduced to me as Miss Graves."

"Oh, yes! I know. She is visiting at Mrs. Monteith's," said I, carelessly.

"She is *living* there, as you very well know," he returned. "I have discovered the owner of the pretty hand and arm."

So the acquaintance commenced. He was at home a month longer, and not a day but found him across the street. We remonstrated, and it had about its usual effect.

What seemed strange to us was that we now noticed that Miss Graves sat the most of the day in the front chamber, busy at her writing; and that when Hugh went over, he went straight to that room, which seemed to be the library, and would sit there by the window till she finished her writing; she apparently not in the least disturbed, and he perfectly satisfied with the attention he received.

Then, after a month of this, he went back, and *she* went with him. We did not know it till after he had gone; not till a friend came in who had seen them in the city together. After a few days, she was back again; calm and serene as ever. Her face showed not the slightest consciousness of the fact that she had made herself the town-talk. For by this time, of course, everybody was saying all manner of things. Some said they were married before they left; some said they were married in the city; and no one knows how much more.

Right here, we tried to still all the gossip by saying that Hugh had had an early attachment, and had told us many a time that no other woman could fill the place of his lost love. "So you see, it *never* can happen. Miss Graves is, no doubt, a most estimable person; but I am confident not the person to make Hugh Hastings change his mind. I assure you, such a thing as marriage between the two is absurd. It never *could* happen; and their going to the city together must have been purely accidental."

However, we did feel a trifle uneasy; and if it had not been for the fact that Hugh had often declared that he should never marry, would have felt still more so. Of course, as we made the statement so positively, it was accepted. People began to speak of Miss Graves' unsuccessful attempts to captivate Hugh. Now this was just what we did n't want; for any slight put upon any woman through his means would have brought him into the field as her champion at once.

So the fact that we knew absolutely nothing about it, made it a trifle unsafe for us to make many remarks. The most we did was to affirm that it never would happen, which we repeated so often that we grew to believe it ourselves.

About this time, Sue came home. She had been spending some time visiting friends at the West, and so knew very little of the gossip. Of course, we told her, and it had a strange effect, just what we did not expect. Sue is very much like her brother, and you can never tell precisely how anything will appear to their eyes, or what they will do next.

Much as I love them both, I must say that they are at times exceedingly tiresome beings. I like persons to be consistent, to have their views and opinions settled, and not be taking up notions day after day. Sue says my opinions are fixed upon every subject, and labelled and laid away in alphabetical order; but she professes a per-

fect willingness to change her mind every day, so she change it for the better.

But that's not my way, nor the way of the family.

Well, as I said, after I told Sue of her brother's attentions to Miss Graves, what did she do but pick up her hat and announce her intention of going over to see about it.

"For," said she, "if Hugh could spend three hours a day in her company there must be something about her worth the while, and I say we've been a set of stupid not to find it out. So here goes for Miss Graves."

She was always careless about her language; but it pained me to see that she had grown more so since she had been away from the refining influences of the home circle.

She made a long call; said they "did n't seem in the least shocked because she did n't have ten ruffles and an overskirt" to her dress, for she went in a dress made with neither. She has just now a fancy for blouse waists and plain skirts; calls them "artistic." But then, Sue looks well in anything.

After that, she and Miss Graves grew quite intimate; and by this means the rest of us became better acquainted with her, and Sue professed herself delighted with her. But Hugh's name was never mentioned; and she preserved the same reticence in regard to herself and her pursuits that had so puzzled us. We knew there was some mystery connected with her; she was either more or less than she appeared, and we occasionally worked ourselves into a rage at Sue's infatuation with a person who was evidently a nobody—which that misguided young person was pleased to consider vastly amusing.

At last, one day down came a letter from Hugh. When I took it in my hand I felt that it contained news of importance; and I may as well confess that a belief in presentiments is one of my weaknesses. It was addressed in Hugh's bold hand to moth-

er, and was certainly a cheerful enough looking affair outwardly. Nevertheless, it was with a good deal of inward quaking that I gave it to mother to open. It commenced :

"Dearly Beloved Mother and most Gracious Sisters :— I am going to be married soon ! There, that may be something of a shower-bath to your feelings ; but you 'll find, to follow out the figure, that you 'll feel better when the first shock is over, and after a little really enjoy it. I can't give you particulars, only to say, that in my eye she is perfection ; and I ask for her a portion of the love always so lavishly bestowed upon me. For fear you may be too uneasy on the score of respectability, etc., I will say that she is a writer of wide reputation, and the author of the charming book of poems we read together when I was down.

"No doubt, at this, a vision of disorderly house, untrimmed stockings, and buttonless shirts, and a slatternly woman at the head, will rise before you ; but that idea is exploded. I have never yet seen her with an ink-spot on her fingers. I am coming down soon ; so be ready with your congratulations.

"Your loving son and brother,

"HUGH."

As might be expected, that set us in a flutter. That settled the question of the gossip about Miss Graves, and made our prophecy that such a thing could never happen true at last. Then to think that he was going to bring a literary woman into the family ! It was delightful ! Not that we any of us cared much for literature, excepting Hugh and Sue ; they were always book-worms ; but we were, nevertheless, full of admiration for authors. Our family had always been noted for beauty, wit, and, at one time, for wealth ; but there never had been any one of us who could reasonably claim any great intellectual ability.

And of course, we lost no time in speaking, in a casual way, as though it was the most natural thing in the

world, of brother Hugh's engagement to the famous author of "*Songs by the Sea.*" We gave the book a prominent place on the centre-table, and astonished each other by our devotion to poetry. For we said, "It will never do to have Hugh's wife find us totally ignorant upon literary topics." So we went to work and read up the reviews and criticisms, with a praiseworthy determination to be equal to the occasion. All but Sue ; she paid little attention to it more than usual ; but spent more time than ever across the way, with Miss Graves.

One day, she—Miss Graves—was over with her work, a dainty bit of embroidery. I said to her that I supposed she had "heard of Hugh's engagement?"

She flushed to her forehead ; but answered quietly : "Sue was talking with me about it, yesterday."

I said : "You do n't congratulate us, Miss Rebecca, upon our gaining a new sister."

She smiled, and said : "How do I know, or how do you know, that congratulations will be in order ? May be you won't like her."

I thought, "Oh, ho ! spiteful and jealous, eh !" but went on and told her that the lady was a writer, and how happy we were, till she seemed to grow quite pleased and sympathetic herself. I finished by saying :

"I am glad now that this will end the foolish gossip concerning you two, last spring. I know you must have been annoyed by it ; though I confess since we have grown to know you better, it would not have been so disagreeable if it had been true."

I thought, now the danger was past, I could afford to be gracious ; but felt sure that my words would hurt her a little after all. I was greatly surprised to see how she suddenly seemed to grow gay and cordial ; but of course set it down as affected, to cover her disappointment.

Not long after this, Hugh came down. We had made up our minds that if he

married that fall we would take a house in town, and spend the winter there ourselves. We had lived in the country from motives of economy; but had always longed for the time to come when we could find our right place in society. So we were intending to be very yielding, and fall in with all of his plans — there would be little use in doing otherwise — and hoped thereby to gain him over to some of ours.

We had planned that it would be a most excellent thing for Sue to have the advantage of such society as they would naturally draw about them, and had tried to make her promise to use her influence with him, all to little purpose, however. In fact, she acted in a most peculiar manner, till I felt that it was possible that the girl had some secret upon her mind, and tried to prepare myself for a mine to be sprung under my feet at any moment.

Well, Hugh came, as I said. We were warm in our welcome and congratulations; but careful not to overdo, as he had such a horror of being lionized. At last, mother said:

"We are waiting to hear something about your promised wife, Hugh. How and where did you leave her?"

He looked up at Sue, comically, and asked:

"Don't you want to see her picture? Her looks ought to interest you, I'm sure. Women usually count a good deal on personal appearance."

Now it was one of our notions that it was the privilege of literary women to be as homely as possible; so had made up our minds to accept a sister who should be as destitute of style as a nun, and as plain-featured as she chose. But then, our acquaintance with literary people has not been extensive.

He gave the picture into mother's hands. We all noticed a peculiar expression, as of mingled doubt and surprise, cross her face. She took off her glasses and rubbed them, and looked again. By that time our anxiety had run away with our patience, and we

looked over her shoulder, like a parcel of eager school-girls.

"Hugh Hastings! It is Miss Graves!" cried Jennette.

"That girl across the street!" said I in a rage, forgetting my dignity. "That deceitful creature! Author, indeed! Perhaps you expect us to believe that! I'm astonished at you — no, I'm not astonished, I'm — well, it's just what we might have expected."

"You're not exactly clear," said Hugh; "but I expected some such outbreak, so have tried to possess my soul in patience. I'm not surprised at your surprise. But I am by no means inclined to accept any expression of any other feeling. I am engaged to Miss Graves, — 'the saints be praised!' 'the girl across the street,' — who could not by any possibility be an author; and being engaged to her, I intend to marry her; and marrying her, I propose that my mother and sisters shall love and respect her. You would have done that long 'ago, if you had not been blinded by pride and prejudice."

"But, Hugh," said mother, "I thought your early love was lost, and that you —"

"My early love and Miss Graves are one. I was engaged to her six years ago; the engagement was broken by my own folly; and when I came down here and found her living across the street, I felt as though God was giving me another chance. A few words separated us, and a few words made the wrong and suffering of years right again. She is the 'wisest, discreetest, best' in the world, far too good for me, and as far above us intellectually as the heavens above the earth. It was my notion, keeping it from you all. I wanted you to learn to like her. As soon as she had won Sue's friendship, she told her; but you are all so bound to your idols that I could n't wait for her goodness and grace to work miracles. So I told you, confident that the magic words, 'famous,' 'gifted,' etc., would work what years of unenlightened intercourse would fail to ac-

comply. I'm going over to see her now, and I'm going to tell her that some of you are coming over by - and - by, to congratulate her upon having won such a treasure as I am."

We were glad when he went, for we sat down and talked it all over. We were vexed at our own lack of penetration; to think that we had had a famous writer for our neighbor for two years, and had persistently snubbed her upon every possible occasion! To think that we had humiliated ourselves by talking of Hugh's engagement, and expatiating upon her reputation as a writer, to the lady elect herself, and had even, after a delightful fashion women have sometimes, given her crumbs of comfort for what we considered her disappointment. And, worse than all, had shown ourselves lamentably ignorant of the literary notorieties, not even knowing the *nom de plume* of one of the most popular poets of the day. I had even asked her if she found copying law-papers profitable.

Alas! alas! Now nothing remained but to make the best of it; for Hugh would stand no half-way measures. So mother and I called upon her that same day. We were both as gracious as could be; we accepted the situation as though it was the one of all others we should have desired. We congratulated her upon her success as a writer; but playfully chided her for not taking us into her confidence. All this we did with resolution, while inwardly groaning over our stupid folly.

There was some comfort in thinking that Hugh would have too much honor to betray our dissatisfaction to her.

She received all our congratulations with ease and grace, and said she knew if any excuses were necessary for her apparent deception, Hugh had made them for her.

Looking at her, I wondered that it had not occurred to us that she was a beautiful woman. I had always thought her rather plain; but, as she talked, her cheeks took on a lovely color, and her eyes shone with such a happy, rest-

ful expression, that I did not wonder that a man should serve seven years for her. But Love is a beautifier, I've always heard.

Only once did she seem to remember that we had been other than the gracious friends we were at that moment. When mother said: "I am delighted, Miss Graves, that Hugh is to give me a daughter I can love and respect as I do you," she replied:

"I am glad of your love and respect, Mrs. Hastings. I trust I shall merit both; but I am sure had it been withheld, *this* would have been all-sufficient. I entertain no false notions of that kind; however, let us be glad that I am to be welcome, that you are to gain a daughter, instead of lose a son."

The sweetness of the speech rolled itself around and around the bitter, till we swallowed it without a word. We found that their plans were all made, to have a quiet wedding at home, and nothing could persuade them to be married in church. They were both opposed to anything like display; and we decided that our best way would be to say nothing, and let them manage to suit themselves.

Not that it would have done any good to do otherwise; but we were tired of being proved in the wrong, and did n't choose to risk anything more. They did manage admirably; and a handsomer couple I never saw. I had no idea she had such exquisite taste; but, beautiful as her dress was, it looked just like her. I should have known it for hers, if I had seen it dangling from the equinoctial line.

A number of literary people, intimate friends she called them, came down to the wedding. Sue was bridesmaid. A very elegant young gentleman was groomsman; and I proceeded to build a little plan for her, which she annihilated by telling of her engagement to a young lawyer at the West. We felt our cup was full, and silence became us best.

Of course we are very proud of our new sister; but have made up our

minds that we won't take a house in town. The gayeties of fashionable life would doubtless jar upon our refined natures; but if it were not against my principles, and the principles of my family, I should say that Hugh was right in making the choice he did

of a profession, and had honored himself thereby; that he was right in choosing the wife he did, and was honored in his choice; and that, upon the whole, all things considered, I am glad to think that we were false prophets, and that it *did* happen.

Carlotta Perry.

SPRING VOICES.

HAS Man alone the sense of pain?
But his a heritage of care?
Or feels the tiny floweret fair
Love's fevered pulse, the passions' strain?
Bears Nature's cheek a sorrow-stain?
Her heart, like his, an anguished prayer?

Long yesternorn, in musing mood,
In garden walks I loitered lone,
With faded garlands darkly strown,
By Boreal fingers fierce and rude;
As if with Ariel-tongue imbued,
Loud sang the Pine-tree's sough and moan.

And resting on the mossy mound,
To sad and tender memories dear,
The plaint of blooms too early sere
Came faintly from the barren ground;
Or buds in frosty fetters bound;
The lorn winds shaped them to my ear,

Or in my breast articulate:
Howbeit, as from lips of pain,
This was the burden and refrain—
The cry of things inanimate
For glory of a vanished state:
"When will the summer come again?"

I heard the Lily's lowly plaint:
"Oh! rayless glooms my bosom throng."
The Asphodel, in saddened song:
"Alas! this darkness and constraint!"
The Tulip answered, chill and faint:
"Ah, me! the wintry hours are long."

Murmured the Jasmine, lying prone :

“ My life is but a darkened day.”

The Ivy frail essayed to say :

“ I vain my dreary lot bemoan.”

The Lilac, in more sprightly tone :

“ I dream my darling dream of May.”

The Hyacinth, upbraiding Fate :

“ But pain, alas ! these pulses thrill.”

Moaned the imprisoned Daffodil :

“ The winter lingers long and late.”

The Violet crooned : “ I lonely wait —

“ Be still, O suffering heart ! be still.”

The Crocus, from her lowly bed :

“ What sorrow in remembered bliss !”

Prayed the despairing Clematis :

“ Return, lost days, to beauty wed !”

“ O !” sobbed the Iris, “ Summer’s dead,

Your all - inspiring breath I miss !”

In the Syringa’s faintest speech :

“ With pent - up sweets this heart will break.”

“ To thee, O Sun,” the Holly spake,

“ My all - imploring arms I reach.”

The Cypress : “ Thee I too beseech —

In this cold breast new life awake.”

The drowsing Grasses droned : “ We fret

To carpet green this barren slope.”

“ I feed a failing lamp of Hope,”

Low breathed the gentle Mignonette.

“ O Love ! how can I all forget ?”

Wept the impassioned Heliotrope.

Deep in the bud the Rose it sighed :

“ Oh ! that the year were always June !”

“ These storms were ordered all too soon,”

Came from the Dahlia’s flaunting pride.

The patient Yucca, close beside —

“ I wait the radiant Harvest - moon.”

And is each yearning prophecy

And quickened spirit - longing, vain ?

Oh ! many a heart in doubt and pain,

Sends up, alas ! the plaint and cry,

Like waiting buds, that may not die —

“ When will the Summer come again ?”

B. Hathaway.

MARCHING WITH A COMMAND.

FROM Carlisle Barracks, Pennsylvania, we were ordered to Fort Leavenworth, Kansas, there to join General Sykes' command, then fitting out for the march across the Plains. General Sykes commanded the 5th Infantry, while my husband belonged to the 3d Cavalry; but as the latter regiment was to take up the line of march from Little Rock, Arkansas, through Texas, the Lieutenant, as well as some three or four other officers of the 3d, were well satisfied to be assigned to the Infantry command, and sent in charge of recruits from Washington and Carlisle, to join General Sykes at Fort Leavenworth.

The two regiments (5th Infantry and 3d Cavalry) were to rendezvous at Fort Union, New Mexico, where General Carleton was to meet the troops, and assign them to the different forts, camps and stations in his department. This was immediately after the close of the war; and these eight hundred men of the 5th Infantry, and the 3d Cavalry under Colonel Howe, were the first regulars sent out to the Territories, from whence they had been called in to do some of the hard fighting when the Rebellion broke out—volunteers and colored troops taking their place on the frontiers.

It was early June—the sky radiant, the earth laughing. Birds of the western prairies warbled their greeting from out the rose-trellises and sweet-scented flowers of the little enclosures in front of the officers' quarters, which, surrounding the well-kept parade-ground, gave the place the look of one large bright-blooming garden. For days there had been at the fort signs and sounds as of a swarm of bees preparing to leave the hive. The carriage of the General flew back and forth between the town and the fort; the Quartermaster dashed through the corrals,

and by the workshops, on his handsome sorrel; females of all shades and colors were interviewed and interrogated by officers' wives, who meant to provide themselves with luxuries for the journey; and new faces were seen and scanned in the mess-room every day.

The first day out from Fort Leavenworth we made but a few miles; the General seemed bent only on getting his command away from the barracks, for, though warned for weeks of the day of starting, there were those who seemed as little prepared for the march now as they had been two weeks ago. Well I remember the camp we made that first day—amid grass so high that we felt and looked like ants moving among the blades—and the confusion in our own establishment and that of our neighbors. The advantages of having secured the services of an old army-woman became apparent at this early stage. Without having at all consulted me, Mrs. Melville had boiled a ham, and stowed bread, cheese and sardines where she could readily lay hands on the articles, in the mess-chest. Coffee was quickly cooked, and we could sit down to our meal and invite others to it, before we had fairly realized the discomforts of a first night in camp.

A good woman was Mrs. Melville, but dreadfully tyrannical—domineering ruthlessly over myself and her husband, and only in awe of the Lieutenant when he insisted on having his own way. They had always served in the cavalry, and had now again enlisted (I mean the husband, who drove our carriage, had enlisted) in the 3d; and as Melville was the only cavalry recruit with the command, it had been a matter of some difficulty to appropriate him and his wife. It was not till the second day, when we made camp,

that I saw how large the command was; and I remember thinking that it had taken since yesterday for the "tail-end" of the train of wagons, mules and horses to leave the corrals and get into camp. When we left our camping-ground in the morning and returned to the highway, there was a broad road with deep ruts behind us, and hundreds of acres of prairie-land made bare and torn up, as though a city had been swept away, where the day before no sign of human life had been, and the tall grass had waved untouched over the soft, black soil. Fancy the tramp of eight hundred men, the keen, light-turning wheels of a dozen or two of carriages, and the heavy, crunching weight of two hundred army-wagons, drawn each by six stout mules! No wonder the grass never grew again where General Sykes's command had passed!

Beside the twelve hundred mules in the wagons, there were some two hundred head extra, and a number of horses for the officers. All of these animals had been drawn from the government corrals at Fort Leavenworth; but I never realized how many there were, till one evening, about four days out from the fort.

Elsewhere I have spoken of my white horse, Toby, who had so quickly become domesticated that he *would* insist on returning to our tent, no matter how emphatically he was told that he must be turned out, and stay with the rest of the herd. The mules had been accustomed to follow the lead of a white "bell-mare" in the corrals; and as Toby was the only white horse in the outfit, they became greatly attached to him, and would follow him in his vagaries wherever he led. Unfortunately, when he took his way back to the camp and to our tent, this evening, the herders were not on the alert as usual, and before they could turn the tide, there was a stampede, and a perfect overflow of mules in the camp. Such yelling and bellowing as those animals set up, when they found them-

selves floundering among the tents, and belabored with clubs, ropes and picket-pins by the enraged soldiers, was never heard before nor since. Even Toby's serenity was disturbed, and he stood half-way in the tent, trembling, and looking as though he knew that the wagon-master was making his way to our settlement. Though I could forgive the man's rage, as he pushed the horse to one side and passed into the tent, neither the Lieutenant nor myself took kindly to his offer to "shoot the horse the next time he undertook to stampede the herd;" and I held close on to Toby till the mules were driven back, and the wagon-master's wrath had cooled.

Truth to tell, before the next forty-eight hours were over, I was well nigh converted to the belief that we had drawn the meanest stock the government-stables had ever contained. I forgot to say that each of the officers had been assigned a company of the recruits, and as they marched with them, we ladies were left in our carriages alone. No sooner was the command fairly on the road this morning, than Molly and Jenny, a pair of green mules drawing our carriage, fell to jumping and kicking, on a rough piece of ground, and a moment later the carriage was laid prone on one side, while I quietly clambered out on the other. A chorus of little screams went up from the rest of the carriages—expressing more horror, I think, at my getting up without the assistance of the doctor, who came flying up on his square-headed bay, than at the accident itself.

This was not enough of evil for the day. We made camp early (the General made not over fifteen miles a day when first starting out with the recruits), and Molly and Jenny, fastened to each other by a light chain around the neck, followed Toby through the camp, where they had come to be accepted as standing nuisances. Away up near the General's tent, Toby must have fancied there was good grazing, for he went there, the two mules *en*

train. What followed I learned from the grinning Orderly, who rapped at our tent soon after, holding the mules by the chain, and saying that "the General sent his compliments to the Lieutenant, and he'd shoot the mules, and the white horse too, the next time they pulled the tent-fly down over him."

I looked stealthily out, and saw Toby in the distance, contemplatively switching his tail, and half a dozen men at work re-erecting the General's tent. The story was too good to keep; and the General himself told how, lying asleep on his cot, under the tent-fly, where it was cool, he had been waked up by Toby's nose brushing his face. Raising himself, and hurling one boot and an invective at the horse, he was surprised at seeing the two mules trying to stare him out of countenance at the open end of the fly. The other boot was shied at them, but there was no time to send anything else. The chain fastening the mules together had become twisted around the pole holding up the fly, and the precipitate retreat of the long-eared pair brought the heavy canvas down on the General's face.

Would I could end my "tale of woe" right here; but a love of truth compels me to say that the meanness of that horse seemed endless, and his capacity for wickedness was such that portions of it fell on Molly and Jenny, when a particularly rich harvest rewarded his efforts at deviltry. When Toby came to the tent-door, early next morning, I noticed a strangely bright polish on his fore-hoofs, and a suspicious greasiness about his nose and face. Molly and Jenny had greasy streaks running all over them, and seemed so well fed that I wondered to myself which of the officers' horses had to suffer last night, and go supperless to bed. Toby sniffed disdainfully at the bread I offered him, and turned to walk off very suddenly when he saw Melville coming toward the tent. I must explain that the tents were always

pitched in the same order—the Lieutenant's on one side of us; Captain Newbold's on the other; the baggage-wagon assigned to each officer drawn up behind the tent; the mules, of course, turned out with the rest of the herd. Melville pointed to the wagon behind Captain Newbold's tent, where a knot of men were gathered, bending to the ground; but he seemed too full for utterance. Almost instinctively I knew what he wanted to tell me. Newbold had brought two large jars of butter with him from Leavenworth, and Toby had encountered them last night, wiping his mouth on Molly and Jenny when he found the butter not to his taste. Over and above that, he had hauled six or eight grain-sacks out of the wagon, opened the sacks with his teeth, and scattered the grain for the two mules to eat.

I wanted to kill Toby on the spot; for the Newbolds were the best of neighbors, sharing with us, through the whole of that journey, the milk their cow (the only one with the whole train) was pleased to give. Not a word of complaint was heard from the Captain or his little wife; but I did hope honestly that the miserable white horse might die of his extra feed of butter and oats.

In the evening Colonel Lane gathered the ladies together, led us to the top of a hill, and pointed out where Fort Riley lay, like a grand fortress, with long, white walls, rising on a green eminence. We reached it next day by night-fall, and though camped several miles outside of it, there were so many things which we found we actually needed, and which could only be had at this, the last post of any importance, that the greater number of officers were constantly to be seen between the sutler-store and the saddler-shop, the Quartermaster's office and the corrals.

After a rest of three days, we took up the line of march again through prairie-land, dotted with farms and broken by forests and streams, through which

(after having crossed the Kansas River at Manhattan, on a pontoon-bridge, before reaching Fort Riley) the soldiers seemed to think it rare sport to wade, barefooted, carrying shoes and stockings in their hands.

The country grew wilder and more desolate; and passing a farm-house one day, near which there were buffaloes grazing in the pasture with oxen and cows, it seemed nothing extraordinary, though, of course, we did not see the buffalo in his native freedom till some time after. At Ellsworth (now Fort Harker) we halted again for a day, and then gradually entered the wilderness. Fort Zarah seems to have grown where it is, only to help make the country look sadder and more desolate; but the well they have is splendid. I think so at least, for I was *so* thirsty when we turned in there at noon, though we continued the march and did not make camp. The General seemed to consider the feet of his men fully seasoned by this time; and they certainly made some hard days' marches before they reached Fort Union. The days' marches were harder for them than they were for us, on the whole; though many a time, creeping slowly over the tediously level ground, did I wish that I could march with them, or help drive mules, or lead horses—anything rather than sit in the carriage for hours, the sun beating down in just the same direction, the men in front moving along in just the same measure. But there was something grand about it at the same time—a forest of bayonets in front of us, an endless train of wagons behind us, moving silently through the solemn wilds; hosts of red-winged black-birds fluttering along with us, the rarer blue-jay flying haughtily over their heads.

There was always something to see; the prairie-flowers were so dazzlingly colored some days, or the rock lay in such odd strata; and in one place we saw the remains of some rough fortifications built of the rocks—thrown up hastily, perhaps, one day when the

party of brave emigrants spied "ye noble savage" bearing down on them. In camp everything looked pleasant and cheerful. The General had traversed the country more than once, knew every spring on the road, and had the camping-ground kept so neat that we could have stopped in one place a good many days without any discomfort. Beyond that, he was courteous and thoughtful of our comfort, as only a soldier can be; and there was not a lady "marching with the command" who would not have voted him a Major-General of the United States Army, or into the Presidential chair, if he had preferred it.

At Fort Dodge, where officers and men burrowed half under ground (at that time), I had not the least desire to remain. However, a few miles back, where the river makes the bend, there is a singular grandeur about the country, with nothing to break the utter loneliness, save the sad, heavy murmur of the water. And now we are out on the Plains again; day after day we travel over land that lies so level and so still that not a being but the lark seems living here beside us. How hot and fierce the sun glares down on the slowly-winding column—a serpent it seems, with its length outstretched, as it moves over the bare, brown prairie. The spirit grew oppressed, and the heart fainted in the noon-day sun; the command to halt was always received with joy; and more than once we had to make forced marches to reach water. Yet we lost but one man out of the eight hundred, and he died the day we struck the Arkansas again—died in the road almost—and we carried him with us to camp; and at night, when the stars had come out and tear-drops hung in the eyes of the flowers by the river-bank, they carried him to his lonely grave. I went to the tent-door when I heard the muffled drums, and stood outside, in the dark, where I could see the short procession passing. Lanterns were carried in the train that moved ghostly away from

the camp-fires and the white-loomings tents. The grave was not far, and when they had lowered the coffin I saw the form of a man bowing over it, as though in prayer, and then the earth was shovelled back. The soldiers returned with measured tread, and left their comrade on the wide, lone prairie, with only the Arkansas to sing his dirge.

I went to sleep with tears in my eyes; but we were to make an early start in the morning, and before day-break we were all awake and astir. Sadness could not live in the heart those early mornings, and I thought sometimes the General had *revueille* sounded so early purposely, to show us how beautiful Nature was at sunrise.

Sunrise on the Plains! Is there anything in music, in painting, in poetry, that can bring before eyes that have never beheld it, the passing beauty of such a scene? There are strains in music which bring a faint shadow of the picture back to me; no art can ever reproduce it. How balmy the faint breath of wind that seems to lift upward the light, gray clouds, to make way for the rosy tints creeping athwart the horizon! Watch the clouds as they rise higher in the heavens; see how the sun-god has kissed them into blushes as bright as the damask-rose, sending a flood of yellow light to cover them with greater confusion. Now they float gently upward till they reach the clear blue sky, from where the yellow light has faded; and, watching beves of other clouds, still dancing in the light above the first rays of the rising sun, the color fades from them, and they waft hither and thither—white clouds on deep blue ground—till the morning breeze bears them away from our sight. But words are weak and tame; and the yellow-breasted prairie-lark alone, rising high in the sun-bright air as the day begins, gives fit expression to her thanks for the glories of creation, in the wordless song she sings forever.

We were always far on the day's

journey before the sun was fairly up; it was very early, to be sure, and often as the tents were struck when the *generale* was sounded, the families occupying them could be seen tumbling out, the children only half-dressed; and it happened sometimes that carriages were left behind, when not ready to fall into line when the march was beaten. In times of danger from Indians, of course, this would not have happened; but at that time there was thought to be no danger, except at night.

Mrs. Melville had developed into an unmitigated tyrant, and one of her victims was an Englishman, a raw recruit, who had been given the Lieutenant as servant. His name was either Ackley or Hackley, Ockley or Hockley. If he insisted it was one, Mrs. Melville said it was the other; and so completely cowed was he at last that he no longer dared to assert his right to any name. I often thought it was a national revenge she was wreaking on the poor fellow (she and her husband had sprung from the Emerald Isle). He had to do all the work that should have fallen to her share, and he never had a moment to spare for the Lieutenant or myself. From the first day of starting, I had detected, among the detail of men sent to pitch our tent, a countryman of mine, a poor Dutchman, the greenest of his kind. I electrified him one day by speaking German to him, and ever after his pale, worn face would brighten, and his eyes light up, when I asked of him any little service or assistance. The General, knowing me to be a German, allowed the man to wait on us; and Mohrman was happy as a king when he could fondle Toby, or put our tent to rights, and fix things comfortably for me in the carriage. He was a cabinet-maker, and the camp-table he made for us was the envy of the whole camp. The poor fellow was weak in the chest (something unusual for one of his nationality), and a big Irish Corporal, who was a good enough fellow other-

wise, had always imposed on Mohrman, because he was ignorant of the language, and could make no complaint to his officer. He continued to bear with Stebbins's petty persecutions like a saint, till one morning he made his appearance at the tent-door, with tears in his eyes, and complained that the Corporal had deprived him of the last thing he had left, coming from the "Fatherland" — his *Gesang Buch*, which his mother had given him on the day of confirmation.

I stepped outside, where Corporal Stebbins with his detail stood, waiting to strike the tent at the sounding of the *generale*. There was a lurking grin on the Corporal's face, as he approached at my summons.

"Corporal," said I, "have you Mohrman's book?"

"Sure, ma'm, and is it his prayer-book the poor b'y wants? Ye see, he complained yesterday that his knapsack was so heavy that he could n't pack me blankets; so I thought I'd carry this for him a while;" and, amidst a half-suppressed snicker, he solemnly drew forth from his capacious pocket a big black hymn-book, substantially German-looking, about ten inches in length by five inches across.

"I'll take that book," said I, looking severe, and turning very quick to hide my face.

After this Mohrman seemed to have more peace; and we journeyed on serenely till we reached Fort Lyon, Colorado, the first human habitation we had laid eyes on for many weeks. Sterile and rock-strewn as the country is, it was the boast of the Post Commander that he had as fine a company-garden as could be seen, twenty miles away from here; to which his wife added, "the only pity was that the vegetables should always be dry and wilted before they reached the garrison."

I was well pleased to think that our destination lay beyond Fort Lyon; though there were those among the ladies who so dreaded the crossing of

the Arkansas just before us, and the passage of the Raton Mountains later, that they would have remained here, where no flower could be coaxed into blossom, rather than have gone on. The Arkansas River was to be crossed at Bent's old fort, where the overland mail stage also had its crossing. The carriages were discreetly sent a mile or two above the fording-place, for the soldiers — poor fellows — had to swim across, their clothes, knapsack and gun in one hand, while with the other they held to the stout ropes stretched from shore to shore. Not a man of the eight hundred was lost. There were mounted men in the river, ready to lend a helping hand at the first cry for aid, and they all crossed safely, though many, I dare say, in fear and trembling. When the men were over, the married officers were permitted to join the ladies, and we were ferried across in the skiff belonging to the stage line, for which little water-excursion we paid two dollars a head to the Overland Mail Company. Carriages and wagons were brought over by the wagon-master and teamsters; and when the whole train was on the other side, we thought we had spent rather a pleasant day.

Like sailors scanning the edge of the horizon for land, so the soldiers had for days been watching the nearer approach of the Spanish Peaks looming faintly in the distance, and breaking the grand monotone of the level, changeless plain, verging, where the eye could see no further, into limitless space. Those who had been out this way before commenced talking of the "Picketwire," and the beautiful valleys we should see, and the big onions the Mexicans would bring to the camp to sell. After a while I discovered that the "Picketwire" was a little river — the "Purgatoire" or "Purgatory" — along whose banks the Mexicans raised vegetables and fruit, of which I saw specimens, later, in the big onions spoken of. I had not been in California then, and

the onions produced there, of the size of a large saucer, certainly had a stunning effect on me.

I am not prepared to say why the little river was called Purgatory. For the most part the country was good enough—lovely, even; and sometimes grand. One or two days seemed rather purgatorial though, come to think of it. On one occasion we passed through steep, barren hills, strewn all over with little cylindrical pieces of iron, that looked exactly as though they had been melted in that place just below purgatory, and thrown up here to cool. Another day we marched along the bed of a river, over boulders from three to six feet high; if *we* did not think it purgatory, the horses and mules certainly did. But the worst day of all remained.

It broke at last—the dreaded day in which the Raton Pass was to be attempted. The horrors of the Pass, however, must have been less vivid in the eyes of the General than in the minds of the ladies belonging to his command; for, contrary to all hopes and expectations, he allowed none of the married officers to remain with the carriages. It was a "steep" Pass, undeniably. To this day I have not forgotten the sound of the grating of the wheels on the bare, unmitigated rock, as the carriage made ascents and descents that were truly miraculous—one wheel pointing heavenward sometimes, while the other three were wedged in below; scraping along a rock wall, bounding from rock to rock, with the pleasant prospect, on the other side, of a launch from a jagged, well-deep precipice, into eternity.

The crowning-point to our terror, and to the grandeur of the scene, was a fearfully inclined plane of solid rock, with a frowning bank on one side, a gaping drop-off on the other, and a dark, heavy wall rising square in front of us; against which, to all appearances, the mules must dash their brains out, for neither bit nor brake was of the least avail on this road. Just where

the crash against the wall seemed inevitable, there was a narrow curve, and the road ran on in spite of the seeming impossibility. True to the saying, that there is but a step from the sublime to the ridiculous, I fell to laughing here, so that Melville turned in surprise to see whether fear and terror had robbed me of my sober senses; but I had seen in passing, painted on that dreadful wall of frowning rock, the cabilistic words and signs: "Old Cabin Bitters; S—T—1860—X—;" and below this, "Brandreth's Vegetable Pills."

These horrors past, there lay before us valleys, hills, crags—that formed as picturesque a landscape as tourist's eye was ever gladdened by. At the foot of tall, straight pines, crowning the heights and covering the sloping hill-sides, was a carpet of short, soft grass, out of which laughed the merriest flower-eyes, and over which nodded the slenderest stalks, bearing blossoms that seemed exotic in their intensely bright hues. The balm-laden breath of the wind told enticing tales of the untrod velvet on the heights above, where the pine-trees bent and swayed in the passing breeze. We had come upon this all so unexpectedly that the Lieutenant insisted on my mounting Toby to obtain a better view of the whole country. My saddle was in the wagon somewhere, and there was no time to hunt it up; but as I had seen Mrs. Lane start off on the Colonel's horse and saddle some time before, I clambered on Toby's back at once, into the Lieutenant's saddle. By crossing some little low hills, which the command had to march around, I found myself pretty soon ahead of the train. Not aware that we were to pass any place where human beings dwelt, I kept bravely on—feeling all the more safe from seeing Captain Newbold's cow, with her guardian, just in front of me. When I saw a rude kind of gateway a little later, I could not resist the promptings of my curiosity, and quite forgot the command,

which approached just then with beating drums and flying colors. Had I realized how near they were upon me, I think my native modesty would have prompted me to let General Sykes, with his command, pass in front of me; but seeing Captain Newbold's cow march through the gate, and an avenue of Mexican and Indian faces, I followed the lead, barely escaping the feet of the drummer-boys, who were close on my heels.

It was the residence of an old pioneer—old Wooten—a pioneer in the boldest sense of the word. In conversation with one of the officers, when Kit Carson was mentioned, he spoke of him as being a comparative stranger in these parts, having been in the country only some twenty-five or thirty years.

If, in the eyes of the straggling Mexicans gathered around, it was an honor to ride in front of the command—next after Captain Newbold's cow—that honor, and the privilege of riding in the Lieutenant's saddle, was dearly paid for before night. Determined not to have the drummer-boys so close behind me again, I turned aside from the road, lured on by the magnificent fresh, soft grass before me. Toby seemed strangely averse to crushing the grass, for he stepped very gingerly, and made two or three attempts to turn back. Sky-gazing, I urged him on, till a sudden plunge he made had nearly thrown me out of the slippery saddle, and for the first time I saw that the fresh, treacherous green had only covered an ugly quagmire, in which Toby was wildly plunging about, getting in deeper at every fresh effort to raise himself. The command had nearly passed; only Colonel Bankhead lingered behind, picking the rare flowers for his wife—gallant man!—and my wild shouts caused him to look around. It was a slow job to rescue me; and by the time I was on dry soil, the Colonel's clothing was very much the color of Toby's legs just then, for the frightened horse would

not move a step, and Colonel Bankhead—I repeat my thanks to him now—had made his way into the horrible bog at the risk of his life almost. After this I could let Toby have the reins, and go anywhere—he never got mired again. But I took to the carriage that day, and never mounted Toby again till we reached Fort Union, some time later.

They were building very comfortable quarters at Fort Union when we got in, but that did us no good. General Sykes had his camping-ground assigned by General Carleton a mile or two outside the post; and our place was with the 5th Infantry, until our regiment should get in. Now we used to strain our eyes looking for signs of "our regiment"; not that we were not well enough off where we were, but we used to congregate at the tent of some officer of the 3d, and feel clannish, and speak of the delight we should feel when "old Howe" got in with the regiment—all out of sheer contrariness, I suppose.

One day Melville rushed wildly into the tent, and announced a great dust arising in the distance. We all rushed out, and a perfect fever took possession of the camp—cavalry and infantry, officers and men. Tables and mess-chests were brought out and spread; bottles were uncorked, and fruit-cans opened; dried-apple pie (a great luxury, I assure you) and salt pickles, raw sliced onions and raspberry jelly, were joyfully placed side by side.

Nearer rolled the dust—slowly—slowly; a snail might have moved faster, I thought, than this regiment, famed once as the Rifles, and blessed with the reputation of being very unlike a snail in general character. Mrs. Melville needed no stimulant to do her best; affection and ambition prompted her alike—she had served with the 3d before, and was now again of them—and she worked like a beaver to have the table well spread for the expected guests. The slow, heavy tramp of the approaching troops shook the earth

like far-off thunder; but the dust was so thick that it was hard to tell where the soldiers left off and the wagons commenced, while the train moved. At last there came the sudden clanging of trumpets, so shrill and discordant that I put my hands up to my ears, and then the command halted near our camp.

Let no one dream of a band of gay cavaliers riding grandly into the garrison on prancing steeds, and with flying banners! Alas, for romance and poetry! Gaunt, ragged-looking men, on bony, rough-coated horses—sun-burned, dust-covered, travel-worn, man and beast. Was there nothing left of the old material of the dashing, death-daring Rifles? Ah, well! These men had seen nothing for long weeks but the red, sun-heated soil of the Red River country; had drank nothing but the thick, blood-red water of the river; had eaten nothing but the one dry, hard cracker, dealt out to them each day; for they had been led wrong by the guide, had been lost, so that they reached Fort Union long after, instead of long before, the 5th Infantry.

Their camping-ground was assigned them quite a distance from the 5th,

and we rode over the next day to visit the ladies who had come with the command. The difference between the two camps struck me all the more forcibly, I presume, because General Sykes was famed for the order and precision he enforced; and when we rode up to his tent two days later, to bid him good-bye (the officers of the 3d having received orders to join their regiment), I exclaimed, in tones of mild despair:

"Oh General, can you not come with us, and take command of the 3d?"

He shook his head solemnly, looking over to the cavalry camp.

"Nothing would give me greater pleasure, Madame, than to accede to your wishes; but really in this instance I must decline. *There are too many unruly horses for me in that camp.*"

I hope the General meant only what he said; I hope too the 3d will forgive me, when I say that an old soldier in the ranks, a German, once told me in confidence that every member of that regiment could pass muster for the Wild Huntsman, so well known in the annals of terror in German fable-history.

Josephine Clifford.

THE RAILROAD QUESTION.

THE greatest question of the day is the question of transportation. It has already assumed a national importance, and, unless speedily settled, is destined to overshadow all other issues, and become the supreme question in American politics. Already the people are massing themselves for the contest, and selecting their leaders. Organization and drill will follow; and presently a vast and disciplined army will stand forth, ready for the impending conflict.

The immense benefits of the railway system of this country are as freely admitted as the stupendous evils of the management of that system are condemned. Those evils are:

1. Recklessness in the conduct of railway trains, and a coarse and brutal disregard of the comfort and safety of the travelling public. But for the efforts of men like Pullman and Wagner, railway travel would scarcely be endurable.

2. The remorseless plunder of the

producing classes, by unjust discriminations and exorbitant charges.

3. The corruption of government to procure extraordinary favors by special legislation.

But what are the people going to do about it? Are not the charters of railroad companies contracts, protected by the Federal Constitution? Yes, and the people are going to enforce those contracts, in the first place; and if that does not bring the desired relief, they will avail themselves of the power by which they reign and are sovereign — the right of eminent domain. They will seize the railroads, condemn them, and pay their value as juries may find it, and then operate them by lessees or commissioners, in somewhat the same manner as canals have been managed under State authority. Such lessees or commissioners would find it highly to their interest to conduct the business of transportation in a manner satisfactory to the public.

As corporations and as common carriers, railroad companies are bound to transport persons and property for a reasonable compensation, and without any unjust discrimination.

However limited may be the power of the Legislature over *contracts*, its authority over *remedies* is ample and absolute; and it is the right and the duty of the Legislature to provide such remedies for all violations of the duties of railroad companies as will be sufficient to procure their faithful performance.

And if the Legislature fails to do its duty in the premises, there is another authority to which application for relief may be made — the Court of Chancery. It is a familiar doctrine that, while this court is powerless to create rights, it is potent to devise remedies, where the law fails to provide them; and that it will not suffer a wrong to go unredressed for want of a remedy, but will devise new modifications of its proceedings and establish new precedents, as the demands of justice may from time to time require. The power of the Legislature over legal remedies is

so well understood and so generally admitted that no authority need be cited in its support. But the powers of the Court of Chancery are not so widely known; and it may be well enough to add that "the Court of Chancery will exercise its remedial authority in cases of oppression not within the reach of the law, more especially those which are attempted to be effected through the instrumentality of the law itself;" that "if, in truth, no case could be found where relief had been applied for or granted on facts similar to those in question before the court, that result would by no means establish the doctrine that relief cannot be given;" and that "it is the duty of every Court of Equity to adapt its practice and course of proceedings, as far as possible, to the existing state of society, and to apply its jurisdiction to all new cases which, from the progress daily making in the affairs of men, must continually arise; and not, from too strict an adherence to forms and rules established under very different circumstances, decline to administer justice and enforce rights for which there is no other remedy."^{*}

The ordinary remedies for extortionate charges, for unjust discriminations, for reckless management, and insufficient accommodations, are altogether inadequate. The railroad companies are so great and powerful that the common processes of the law have no terror for them. The railroad is a giant; the ordinary law-suit a pigmy. To compel the giant to perform the duties which the law imposes, gigantic remedies must be provided. The ordinary remedies which the law affords, in the cases under consideration, are:

1. Actions by individuals, for injuries sustained.
2. Indictments for neglect or violation of duty.
3. *Scire facias* to repeal the charter, for wilful and persistent refusal to conform to the conditions it imposes.

^{*} Spence's Jurisdiction of Chancery, 688, 690, 691; Hadden v. Spencer, 20 Johnson's Ch. Rep., 354; Story's Equity Pleadings, Sec. 76, c.

Except in cases of severe bodily injury, actions by individuals are generally unavailing; because few persons can "afford to fight a railroad: it costs more than it comes to."

The indictments are inefficient, because the penalties are entirely inadequate.

The remedy by *scire facias* is hardly ever attempted, for several reasons. It is difficult to lay the proper legal foundation; it would meet with the utmost resistance; and it does not answer the exigency of the case. The people desire to restrain, not to destroy. But what ought the Legislature to do?

1. Keep within its province, and not attempt the exercise of judicial powers.

2. Apply the principle of the usury laws, and declare that rates of freight and fare shall be fixed but twice in each year, and that they shall then be established upon the basis of the business actually transacted during the preceding year, at such amounts as will yield a certain per centum, as nearly as can be ascertained, on the actual value of the road and its equipments, to be ascertained in a manner to be prescribed by law. Prohibit unjust discriminations, and other violations of duty, under heavy penalties, and require the filing in some public office of sworn statements, showing in detail the basis of each semi-annual arrangement of freight and fare.

3. Provide that, in all cases of overcharges, or refusal to furnish proper facilities according to law, or the like, any number of persons, having similar claims, may join in the same action, suit, or proceeding, and may recover the amount of damages sustained, together with interest, costs, counsel fees, and all other expenses of the case; and that, if the jury shall find that the demand was refused and the defence made without probable cause, the court shall double the amount of the verdict as a penalty for the wrong, in the nature of exemplary damages.

4. Provide that, upon indictment,

trial, and conviction for any wilful and persistent violation of duty, railroad companies may be fined in sums sufficiently large to restrain them, and be compelled to give bail against future offences; and, in case of repeated convictions, give the court power to add imprisonment of the persons in the actual control of the road, and the appointment of a receiver to conduct its operations in the mean time.

And what ought the Court of Chancery to do?

It should entertain suits by *representatives* of persons and communities residing along the line of any railroad, to compel the company to perform its duties as a corporation and common carrier, and, "adapting the practice and course of proceedings to the existing state of things," the court should apply its tremendous powers to enforce the faithful performance, by railroad companies, of the obligations imposed by the contract of incorporation, which, we are told, is too sacred to be violated by any State sovereignty. This court may, in a fit case, put the road itself into the hands of a receiver; may ascertain all the facts, by means of inquiries by its masters; may enforce its orders by attachment of the bodies of the refractory, and by the sequestration of their estates. Even a railway king may be made to conduct himself with humility in the presence of a tribunal whose rise was distinguished by "frequent interpositions to protect the weak and the defenceless from oppression and wrong," and whose powers have been illustrated and applied by a long line of the most illustrious names that adorn the history of our race.

There are many cases in which a few persons have been allowed to sue on behalf of themselves and others similarly interested. It is only necessary in such cases that enough sue to fairly represent the interests of all. And the same rule applies to parties defendant. The decree will, in most if not all cases, be held binding on the persons omitted, the Court tak-

ing care to see that the right is fairly tried.

Where the parties are so numerous that it is impracticable to bring them all before the Court, a few may sue, or be sued, as representatives of the whole, although their rights may be separate and distinct, provided they have a common interest, or a common right to be protected or enforced.*

And if, at last, all these remedies prove unavailing, the people may resort to the power of eminent domain, and vindicate their sovereignty. By this power the State gave the railroads their right of way; by the same power, the State may take the railroad itself, whenever, in the opinion of the popular representatives, the public welfare demands. In such a case, the public will pay for the railroad, as the company paid for the right of way, a moderate compensation, to be determined in some manner prescribed by law; and, having acquired the title and control, the State may thereafter cause the road to be operated on such terms and by such persons as, in its judgment, will best promote the public welfare. A brief reference to the imperial language of judicial authority may tend to awaken the managers of the great railroads to the danger which threatens them, in case the present movement against railway oppression is allowed to go on till it culminates in a resistless tide of popular indignation.

"The Legislature or sovereign power of the State is the sole and absolute judge whether any public interest requires the taking of any private property, whether absolutely required for the public safety, or called for by mere considerations of convenience. This absolute power is complete and universal, and exists under all systems of government. Differences exist as to the right to compensation; but all agree that when the government demands, private rights must give way, that the property of the individual must be surrendered to the public welfare."

"All property can be taken: and as the power to take is universal, so, also, is it absolute."

"A franchise to build and maintain a toll-bridge may be appropriated, and the right of an incorporated company to maintain such a bridge, under a charter from the State, may, under the right of eminent domain, be taken for a highway, and so, also, may a railroad."

*Story's Equity Pleadings, sec. 76, c. 97, 108, 114, 116, 118, 120.

"In fact, the whole policy of the country relative to roads, mills, and bridges and canals, rests upon this single power, under which lands have always been condemned. In our country, it is believed the power was never, or, at any rate, rarely questioned, until the opinion seems to have obtained that the right of property in a chartered corporation was more sacred and intangible than the same right could possibly be in the person of the citizen—an opinion which must be without any ground to rest on till it can be demonstrated either that the ideal creature is more than a person, or the corporeal being is less. For, as a question to appropriate to public uses the property of private persons, resting upon the ordinary foundations of private right, there would seem to be no room for doubt or difficulty."

"The grant of a franchise is of no higher order, and confers no more sacred title, than a grant of land to an individual; and, when the public necessities require it, the one as well as the other may be taken for public purposes, on making suitable compensation; nor does such an exercise of the right of eminent domain interfere with the inviolability of contracts."*

The new Constitution of Illinois contains the following remarkable provisions, the force and effect of which, together with the power of Congress "to regulate commerce among the several States," may perhaps form the subject of a future article:

"Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books, in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities; and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the Auditor of Public Accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

"The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution and sale.

*Sedgwick's Statutory and Constitutional Law, p. 499 et seq.
West River Bridge Co. vs. Dix, 6 How., 507.
R. F. & P. R. R. vs. Louisa R. R., 13 How., 83.
U. S. Sup. Court.
B. & L. R. R. vs. S. & L. R. R., 2 Gray R., 1.

"No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

"Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared Public Highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

"No railroad corporation shall issue any stock or bonds, except for money, labor, or property actually received and applied to the purposes for which such corporation was created; and all stock dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon sixty days' public notice, in such manner as may be provided by law.

"The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

"The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises."

The producing classes, too, may profit by admonition. There is no other class so difficult to combine as the farmers; and no other class so easily misled under the influence of great excitement. If they would accomplish anything in the present emergency, they must keep within the limits of the law, and secure the aid of wise and faithful leaders. Heated denunciations of crushing monopoly will be as vain to reduce the rates of freight and fare as was the bovine endeavor to stop the advancing locomotive. The framing of laws, and the

administration of the affairs of government, require special endowments and training, as much as ship-building and the art of war; and sooner or later the farmers of the country may learn to follow the example of the great railroads, and secure the service of men who can command success, and reap its fruits by the superiority of their ability, learning, and experience.

It is of the utmost importance to the public, as well as to the railroads, that the people be not driven to extreme measures. It would be a sad day for any State when it should feel compelled, for self-protection, to seize and operate the railroads within its borders. The existence of the vast powers to which reference has been made, is here declared, not for the purpose of encouraging their exercise, but for the purpose of warning the railroad companies that their overthrow is inevitable, unless they speedily appease the just indignation of the long-suffering and oppressed people. It is appalling to think that in the richest valley in the civilized world the farmers burn grain for fuel, and can hardly realize enough for their products to pay taxes and keep their buildings in repair; while the transportation companies count their wealth by hundreds of millions, and treat with haughty contempt the municipal and State authorities, by whose grace they "live, and move, and have their being!" The first thing for the railroad companies to do is to change their policy, and work with the people, and not against them. It will pay much better in the end, not to "kill the geese that lay the golden eggs"; nor transform the birds that furnish feathers for the railway nest into eagles that conquer and kill. There is no reason for antagonism between industrious farmers and faithful carriers. But railway managers must change their policy, or give up their occupation. The land-grant business must be restricted. The watering of stock must be stopped. Wall-street combinations and "corners" must be

discontinued. The accommodations and conveniences of transportation must be largely increased; and at the same time the rates of freight and fare must be very much reduced. Reform is the order of the day. The trumpet-voice of an indignant, determined and intelligent public, demands Reform in

Railway Management; and if the railway kings of this country have indeed the foresight with which they have been credited, they will make peace while they can. No King Canute can stay the rising sea; no Mother Partington can sweep back the advancing ocean with her broom.

C. C. Bonney.

FLIRTING—AN EVEN GAME.

"KATHERINE MILLER, perhaps it would be as well for you to stop and consider whither your steps are leading you!"—and the speaker, who was at the same time the person spoken to, gave a nod to herself in the glass before which she stood fixing her hair;—"perhaps it would be well for you to look the truth in the face, and not cover it with a blue veil any longer; blue veils are not good for all complexions—let us put this one aside, and call things by their right names. Katherine Miller, you are a flirt; you need not shake your head in denial—it is a fact. And facts are stubborn things, as more than one wise man has found out to his sorrow. Shaking one's head does not make them any the less stubborn or any the less facts either, my dear! You are a flirt; and the worst of it is, you do n't want to be anything else. You like too well to have Monsieur Dupres, 'awfully sweet.' Confess, now, you like to hear him sighing over your coldness: '*Ah! oui, oui, Mademoiselle, c'est tous bien pour moi je l'adoxe, mais vous ne savez pas qu'est l'amour.*' And then his dark, melancholy eyes look down for their answer, and find—what? Two blue eyes, clear in their innocence, meeting his with a look of utter denial to anything like flirting! And if the lips say something in reply, about being willing to learn '*l'amour*,'

it is only out of pity for '*pauvre Henri—eh bien! pauvre Henri!*'

"Confess again, my dear, it is very nice—is it not?—to have Charlie Williams so devoted! Boquets, operas, and rides, have a very agreeable power of passing the time and making life pleasanter. And if he does ask sometimes, 'Am I really to put faith in the promise of this woeful flirt?' the hand left lying in his does not tremble; and if he goes away believing the heart was too full to speak, whose fault is it but his own?

"Then Clarence Gardiner, he—hush, do n't let out any more secrets. The fact proves itself, and I will never deny it again; indeed, I will turn over a new leaf, and be good henceforth. Farewell, O delightful flirtation! There, the leaf is turned. I wonder how one begins a new page? As the first act of repentance did the turning, I suppose the second must do the beginning. Let me see:—*Save the victims.* Would n't they relish their new name, '*Victims?*' But, no joking, Miss Miller, when a young lady has 'understandings' with three gentlemen, and with a fourth has the matter under consideration, it is time something was done; and, methinks, it won't matter much if it comes under the first, second, or third head of repentance.

"Well, the quickest way of settling affairs would be to send for them all

on the same evening — something after the plan of the spider and the fly visiting. Once here, I could treat them to a dish of cold reason all round. Imagine it: all the victims in a row; then I walk up to the first, and, with a most profound bow, say: 'Monsieur Dupres, permit me to offer you a few charming notes, the contents of which have been agreeable to both parties from time to time, and by both parties are now alike forgotten. They still hold their delicate violet perfume (Lubin's best), which has, in its silent way, spoken the language my heart hardly needed to hear, yet which it was very sweet to listen to — the same message I trust it may now carry in return to you; and, as the faint perfume comes before you, *penses à moi!* Alas for the melancholy look out of the eyes of '*pauvre Henri*' just then!

"But one victim will be cured. — now for the second: 'Mr. Williams, please accept, with kind remembrances, this ring; it was given as a token of youthful folly, under the name of friendship. As such it was accepted, and prized for its full value; but now that wisdom has succeeded to folly, let it be received, in its return, in good faith, inasmuch as experience has given to it a value far exceeding any that it held before. Trusting it will prove a good talisman to you in the future, I now bid you good-bye.' Depend upon it, he will go away, for once in his life, *believing!*

"For you, No. 3 — Mr. Gardiner — I have also a ring; but, unlike the one I have just returned, this was given and accepted as a proof that the young could be wiser in their day than the old. We have proved the fact satisfactorily to our own minds; but, as I doubt if the world would be ever brought to our way of thinking, it is not necessary to carry on the experiment any longer. Keep the ring, then, to remind you, in after years, that sometimes failure is better than success. So be it — adieu.' I can see him now with his cold gray eyes, and hear him, in his coolest of all cool voices, say,

'Good evening, Miss Miller!' and it will be a long 'good evening' from his lordship, I am inclined to think.

"But No. 4 is waiting, patient as ever. 'Mr. Taylor, I have only a photograph to return to you, with thanks. Believe me, it has not been hurt by exposure to the light, as mortal eyes have not gazed upon it since the first night you gave it to me.'

"Oh, dear! I wonder how many more victims would come, if the invitation was to be general? I should be in a pleasant state when the eventful evening was over! Not a friend left to have any fun with. Solitude and pleasant memories — how exciting! Pshaw, what's the harm of flirting? I like Charlie Williams well enough — why not tell him so? It makes him feel good. Accepting boquets and going to the opera are neither of them unpardonable sins; and as for his coming every Sunday, whv, I would not think it was Sunday night if he did not come. One of these days I will tell him I like somebody else better; but until I do, what's the use of telling him, or anybody else, about my affairs? I wish Aunt Kate had kept her remarks to herself. What do I care if some fool did shoot himself when he found out the girl he was engaged to, and was going to marry, was engaged to another fellow at the same time? It was a providential thing, I am sure, for the girl to be relieved of the husband he would have made her. Oh! bother. Meditation and hair-dressing do n't go well together; here's my hair all askew, and my reflections are in about the same state, I guess. Two o'clock! mercy! — and I was to be at Julie's at three! Miss Miller, you will be obliged to expedite matters a little, if you keep your promise.

"Yes, I will write a note to each one of them this very night, and make it all straight and proper for the future. I shall never have another moment's peace until I do — that's certain."

It was three o'clock when this wise conclusion was arrived at, and Miss

Miller was on her way to Jule's. The engagement was to go with her friend to call on a young married lady. The call was made, and proved to be pleasant and agreeable, in the usual exchange of gossip and news. After the call there was a short walk on the avenue, and then the two young ladies parted, each going home.

Ten o'clock that evening found Miss Katherine in her room, bending over the table in despair, with her pen in her hand, and plenty of tinted paper before her. She was ready to write her notes, but words failed her. What should she say? What could she say? It was so stupid! She was not out-and-out engaged to any of them; and how was she going to make a break, where there was nothing to break? How could she tell either of them she did not want his attentions any more, when, after a fashion, she did both like them and want them? After much difficulty, many sighs, and any amount of paper wasted, she had the satisfaction finally of reading the note that was to end "*parure Henri's*" little romance. But with Charlie Williams's "short dream" it was so different—so horribly stupid to write any such nonsense to him—so much easier just to tell him it was all over; and *his* note ended in his being asked to call the next evening, as she "had something of importance" to tell him.

But what should she do with No. 3, and his ring? It was more bother than it was all worth; and she went over to the bureau and took it out of its case, where, truth to say, it had lain the greater part of the time. She could not send a ring back in a letter; and she did not exactly want him to come for it; it was not so easy talking to him as it was to Charlie Williams. But there was no help for it; so Mr. Gardiner was invited for Friday evening. She must get a little breathing-space between the two calls. Now there was only Mr. Taylor's photograph to be disposed of; and that finally went back into the drawer. "It

will do as little harm there as anywhere in this world," thought Miss Kate; and the note that lay on the table, directed to Mr. Taylor, simply stated the fact that "Miss Miller had an engagement on Saturday evening." Now Saturday evening had been Mr. Taylor's undisputed hour for some time; and this would be a sufficient hint that he need not be sure of any hour in the future.

With this work done, and her conscience relieved, Miss Kate fell asleep, and slept the sleep of the righteous, waking refreshed in the morning. Then away went the four little messengers on their errands of mercy.

But alas! all the righteousness was taken out of Miss Kate in the afternoon, by a visit from her cousin, Jo Walton. Kate and Jo were the best of friends; and the fact of their being able to claim a cousinship, though a long way off, was sufficient to warrant them to make free use of each other's assistance when in trouble or pleasure. And this they had always done; from the mending of broken toys, they bade fair to continue on through life in the same "help-me-and-I'll-help-you" style, after more substantial things had taken the place of dolls and kites.

When Jo came in the afternoon, Kate always knew there was something of unusual interest. She was accustomed to hear about all his love trials—for he was quite equal to Kate in his number of victims—and was prepared to hear of some new fix, in which her help was needed; but she was not prepared for his unusual appearance, and her greeting was:

"You look like a thunder-cloud just ready to break, Jo; what's the matter now?"

"A thunder-storm if you will, Kate," said Jo, with a grand scowl; "come, tell a fellow what he ought to do under some very peculiar circumstances. If you heard a lot of girls talking together about—about—well, say about me—and they should plan and agree to—

gether to see how hard each one could flirt, and lead me on to say and mean a great deal, while they should mean nothing, though they might say any amount of sweet things, simply to flirt with me to their hearts' content, while I was to be made a fool of to suit their pleasure for a certain time, at the end of which they were to meet and talk over their conquests, and see which was the best fellow—flirt, I mean; and, if, in agreement to all this, they had made out papers, and signed their names to them, and you should happen to get hold of one of these papers Kate, tell a fellow what would you do, if you was in his place?"

"Do?" said Kate, after a short pause, "if I had the paper I would put it into your hands and say, 'Jo Walton, if you are not more than a match for those stupid girls, you deserve to be fooled by them; and I, for one, will be ashamed of you, Jo!'"

"Bravo, Kate! spoken like a man," said Jo, as he took one of her hands in his, and in it laid a slip of paper; "read that at your leisure, and act upon the same advice you have given me."

Kate looked down at the paper in her hand, then up at Jo, then down at the paper again. There were the names in full—Henri Dupres, Charles Williams, Clarence Gardiner, and Will Taylor. What could it mean? The tables had turned rather suddenly upon Kate, and it was a full moment before she understood the fact before her. When she did, she looked up at Jo, on whose face the thunder-cloud look was blacker than ever, and burst into a merry laugh.

"How can you laugh, Kate?" and Jo put on a decidedly injured air. "I would have knocked every one of them down on the spot, if I had not hoped to get a better satisfaction by waiting a little—the conceited puppies!"

But Kate only laughed on her merry laugh—for to her it seemed so funny to think, while she had been working

her brain to spare them distress, they had been working theirs to distress her as much as they could. But, thanks to a kind fate, which proved to be a combination of fates rather than one alone, she was not in their power; they would meet on equal ground, and it should be a match-game of flirting. Alas for the young men now—a-days! they were of a different pattern from those Aunt Kate told of; and she laughed again to think she had been fool enough to think any of them would have done something desperate for her.

"Oh, Jo! it is so funny! Why don't you laugh too?" said Kate, when, after much difficulty, she had told him about her fit of the blues the day before, and the result of it—the four notes sent off in the morning.

Jo laughed a little, more to please her than from any desire to laugh on his part, for he was very much vexed by the affair; and when his short smile was over, he asked her what she meant to do.

"Do?" and Kate's mouth puckered up to keep from laughing; "do, Jo? What a question to ask! how can I tell what I will do, when it depends upon what they do first? Let me see: they give themselves two months—that will make it the fifteenth of January. Then they are to congratulate the best fellow. I am thinking, we'll do the congratulating! It will be such fun! I can hardly believe it is me, for I was just getting reconciled to playing the part of Miss Prim in the future; and now I am to have such glorious fun! You will help me, if I get into trouble, won't you, Jo?"

"Of course, Kate, you can call upon me for anything within my power; but I should really like to know what you intend to do."

"Do? again, Jo?" said Kate, half annoyed. "How does a girl flirt? If you don't know, I am not the one to enlighten your ignorance, unless I practice with you between times; but you are so different from them, that

such practice would not avail me much. Then I guess I shall have all the practice I want. You do n't know how nice Henri can be! He can say the sweetest things in the very sweetest way, and somehow they sound prettier in French than they do in English; and I'll let him say them now to his heart's content—in fact, I'll lead him on to say more than shall content his heart in the future. Shall I let him kiss me, Jo?"

"Good heavens! No, Kate! What—that fool? You must be crazy."

"Well, I must say," Kate went on quietly, "it would be a hard dose to take that black mustache. Clarence Gardiner's nice, clean face is a good deal of a temptation *sometimes*; and Charlie Williams's few little golden hairs might not, under some circumstances, be so *very* disagreeable; but Henri—his mustache is so very black. No, I think I won't kiss him, or let him kiss me, unless—"

"Mercy, Kate!" interrupted Jo; "what are you saying? Anyone to hear you would think you were in the habit of kissing all your gentlemen friends, instead of being quoted as 'the most formal Miss Miller, who barely shakes hands with a fellow.'"

"Do n't be so cross, Jo," said Kate. "You asked me what I was going to do, and I was trying to find out, so as to tell you."

"Well," said Jo, somewhat taken aback by this statement, "promise me you will never let one of those fellows kiss you."

But the only satisfaction he got from Miss Kate was, that she did not believe Henri's mustache was any blacker or thicker than his; any way, she would tell him if it was so, after she had made the trial.

Jo was wise enough, after this, not to ask what she was "going to do;" but he awaited the "doings" with fear and trembling all the more. Many and often were his seasons of repentance for ever telling Kate what he had overheard.

Certainly if ever a tale-bearer was punished, poor Jo was, by his pet cousin, who kept him in such a worry over her affairs that he had no time for his own during the next two months.

As for Kate, she was in her element. Her brain was busy from the time of Jo's departure till Mr. Williams came, in the evening, over the very question that had troubled Jo—"What was she going to do?" But when she met Mr. Williams, her plans were all ready to act upon, and she began to act immediately.

Charlie Williams was, to say the least, considerably surprised by the proceedings. His ring given back—the ring which, on his side, had been a pledge of love, and on hers a pledge of anything, everything, or nothing, whichever she might choose to bestow; and to hear from her lips that she had "come to the conclusion, after sleepless nights of thinking, that she must not keep it longer, when she could not fulfil all she thought he expected by it; she would be glad to be friends, if he should not despise her for her weakness and foolishness in flirting; but she was afraid she ought not to ask even that favor of him; it was finding out she had been unconsciously deceiving him, that he thought her better than she was, that had led her to confess to him the truth; she had tried to do it before, but it was so hard to give him up—to lose the friend she prized so much—and, worse than all, make him despise her, that she had not had the heart to do it; but now she must."

Kate had spoken in a low tone, with her eyes looking down; and she did not raise them now, as she held out the ring, and then waited to see what he would do. Profound silence reigned for a moment; then there came a name, spoken softly. Kate felt her heart give one good, natural beat, and knew she had gone to work the right way; but she showed no sign of having heard anything till the name was repeated. Charlie had taken hold of the ring and the hand that held it, and

was very near to her, so that she had no chance but to hear, when he said,

"Kate, are you in earnest?"

"Yes; forgive me," was all she could say, while she waited for further developments.

Kate was no beginner at her work; she knew very well how to treat young gentlemen in general, and this one in particular. She hung back just enough to make him lead on, till she got him as far on the right way as she wanted. The ring was put back on her finger with, if possible, stronger promises of undying friendship, entire forgiveness for the past, and unbounded faith for the future, on his part; and on her part, a reluctant acquiescence, just a very little hope, and no promise.

Miss Kate slept again the sleep of the righteous, and felt her conscience approving her for being merciful to one who would have been merciless to her, if she had only let him.

She now began to prepare for the encounter with Mr. Gardiner. Here was another ring case; but she had too much wit to dispose of it in the same way as the other—liking variety, as well as fearing the two victims might compare notes. In finding a way out of her difficulties, many were her sighs over the folly of girls taking rings from gentlemen; they were so hard to get rid of; and Miss Kate even thought she would write out a lecture on the subject, based upon her experience, for the benefit of young ladies in the future, who might be tempted with similar gifts.

Of all the four gentlemen, Mr. Gardiner was the only one that Kate held in any kind of fear; but there was a look in his dark eyes that meant truth, and would have truth in return. So, of them all, he was the most difficult to deal with. But "the more danger the more fun," thought Kate, as at the last moment she decided on a plan, the only thing that quite reconciled her to the carrying out of which was the reading of the slip of paper that Jo had put into her hands. Even

then she read the name of Clarence Gardiner over several times, to make sure he was one of the four that were doomed to be paid in full for their audacity. It was hard work for her to believe he would condescend to such a thing; but the proof was before her, and it inspired her.

Mr. Gardiner was met with smiles, and more favor from the capricious girl than he had been blessed with for some weeks past. He had the pleasure of seeing his ring worn, for the first time in many weeks; and heard no word of its not being wanted, or of her not being able to fulfil her part of the promise made upon it—nothing of this kind; if anything, quite the contrary. And after an exceedingly pleasant evening, Mr. Gardiner left, satisfied probably of having made himself very agreeable, and having made a rapid stride toward the gaining of the congratulations of his three friends on the fifteenth of January.

Kate was greatly pleased with her success with these two, the worst ones of the four, and she went on now without fear. Her note to Mr. Dupres, instead of preventing his calling, as it was intended to do, only brought him the sooner to know why he deserved such harsh treatment. He could not wait longer than Saturday evening; and then he came with any amount of melancholy in his eyes and sweetness on his tongue—such melancholy and such sweetness that Kate could not, of course, withstand it. She tried a little of the confessing style of tactics, but felt safer in her usual rôle of simplicity and innocence, which she had always found to be very taking with him, and more so now than ever. That night, when she went to her room, she laid a little spray of heliotrope in a box, that was to have been emptied of its contents, but still held a goodly number of violet-perfumed notes, with a smile and a sigh for "*poivre Henri*."

Sunday, on the Avenue, she met Mr. Taylor; and, from the smiling bow he received, he took courage to join

the young lady long enough to learn from her lips how sorry she was for the engagement last evening which prevented her seeing him, and the hope that he would be able to call soon. He said something about Wednesday evening, and she gave a smiling "Yes."

With a sigh of relief, she felt that her work was over indeed; and now the fun might begin. The four young men were in line once more, and she had nothing now to do but flirt as they gave her opportunity. For the next two months, as they were evidently bent upon flirting too, they gave her plenty of opportunity, and she flirted accordingly, to her heart's content and poor Jo's distraction. Poor Jo! he seemed to feel responsible for all his wild cousin Kate might do, and was in a constant fever of excitement. He never asked even of himself now, "What would she do?" it was only, "What would n't she do?" Sometimes he grew desperate enough to believe she would marry all four of the young men, to get rid of them. Kate had a way of making people love her whether or no. This, poor Jo had found out to his cost before; but in the new revelations he learned that his wilful cousin had, through their mutual-help association, become necessary to him, and in such a way that he did not want to give her up to another; and what was more, he did not want to have her come to him with any broken wares to be cemented. So he began to fear, as the days wore on, that Kate was putting a little more spirit into the flirting than was actually called for; in fact, he had to acknowledge to himself that there was danger ahead—and was he not a little to blame for it? But it was hard to tell anything about Kate; she rode, she walked, she visited, she went to the theatre, she wrote and received notes, she accepted flowers, with and from each one, with smiles and thanks, and apparently treated each with the same favor.

A month of the allotted time had passed, when Jo gave Kate a good scolding, ending with something to the effect that he supposed she had told each fellow she loved him, and *him* only in all the world.

But her only answer was, "What nonsense, Jo! Do n't I know what I am about? Do you suppose I would tell either of them I loved him? Not I. That would end matters in a hurry. No; the way to keep a man in the right place, is to tell him you do n't love him, but you may in time—you will try—you are willing he should teach you how—you are sorry you can't learn faster—you are not worth his minding—and so on; that keeps him just where he ought to be, Mr. Jo," said the saucy girl.

Jo was unbelieving, but the more he scolded, the more she laughed at his wisdom, and the more desperately she flirted with the others, till there was one person at least who was glad that two months were not forever.

But Jo's despair broke all bounds, near the end. He was treated to a nicely-served dish of gossip, one evening, at the club-room. "Clarence Gardiner had bought a house on the Avenue, and was to be married very soon;" "Charlie Williams was making arrangements to go to California for several months, on a wedding tour;" "Mr. Dupres was going back to Paris, with an American lady as Mrs. Dupres." He did not stop to hear where Will Taylor was going with his wife, but rushed home, half mad at the astounding news. What had not Kate brought upon herself by her fun? And then came the old question, "What would she do?" That she would have to go with one of them, he was sure; he could see no help for it; he was powerless to prevent it. Once, long ago, had he spoken to her of his love, and asked for hers in return—but he had never forgotten how she had laughed when she told him she would as soon think of marrying her brother as him. Jo had accepted his fate,

then, but it was no easier to bear now than it had been. But Kate knew nothing of this trouble of his; and if he could help her now he would; if he could not, he would go away till it was all over—and he thought this last would be the easier for him, for there must be trouble in the end. But if it was trouble, Kate evidently intended to manage it without any of Jo's help, for he called twice and she was not at home; he sent a note, and received no answer. The two months would end on Saturday evening; and Friday morning, within one hour, Miss Kate had received four notes. It is not strange this event should remind her of the morning she had posted four notes, for these were the answers to those four little messengers of mercy, that had returned, after many days, for justice. Kate read them one after the other as they came. The first one was not exactly what she had expected it to be, and was somewhat of a surprise; but when the second, third, and fourth came, all surprise vanished, for though worded differently, they were in intent the same—being simply a proposal of marriage, which, if she could do so, she was to signify her acceptance of, by a note that would bring the happy man, Saturday evening, to her side.

It did not take Kate long to answer these notes, for it does not take long to copy a few lines and sign a name. It was the end; and we can't say but Kate felt a little sorry to think her good times at flirting were over, for she really had enjoyed them; but she was totally surprised when four more notes came to her Saturday afternoon. She had only read the last one through, when Jo came in and found her half laughing and half crying. In her own mixed state of surprise and vexation, Kate did not notice that Jo was unusually sober, till after a short time, during which the conversation had been as far from the subject nearest to each heart as it could be, he arose and held out his hand to say good-bye.

"Good-bye," said Kate. "Seems to

me you are short and sweet this afternoon. What is your hurry? and where are you going?"

"I have some business to attend to for father; and I am going West on Monday morning," was the answer.

"Going West?" repeated Kate. "For how long a time, pray?"

"Some months, more or less; it depends upon circumstances," answered Jo.

"I wish I had business to take me out West for several months," said Kate, with a pout. "Can't your father's business include me, Jo?"

Jo thought it might, if she could be ready Monday morning; but a compromise was made for Wednesday, for the sake of the new partner.

The following Thursday evening, four gentlemen met in a club-room, and, while smoking the "everlasting cigar," remarked as follows:

No. 1.—"By Jove! Talk about your 'girl of the period!' She is smarter than ten of your old-fashioned girls! To think of her getting hold of that paper! No wonder she thought she had a perfect right to treat us as we were treating her."

No. 2.—"*Ma foi!* I shall never understand these American girls! They *pas comprenez*, and they *comprennez* all the time!"

No. 3.—"Well, I have a few things left—an amethyst ring for a remembrancer; and, by the way, do you know of anyone that wants to buy a house?"

No. 4.—"Confound it! if I had not put my name to that miserable old paper, I would have stood a better chance than any of you. I heard last night she had been engaged to this cousin for years. Do you suppose it is true?"

"No," said No. 3, "for I asked Mrs. Walton the question myself, and she said *only* since the fifteenth of January."

"Five days!" said No. 1. "Depend upon it, that cousin knew her better than we did; and he did

not believe in wasting time. They left for Chicago this morning, you said?"

"Jo, you have not an idea what a mess we made of it," said Kate to her husband, one evening, some time after the fifteenth of January. "Those four men were in earnest; each one thought he liked me well enough to marry me; and each one was sure he had only to ask to receive; and when, by a chance, they found out they had all agreed on the same object, they made that agreement to give each other an

equal chance for two months—the one that succeeded to have the congratulations of the other three in good faith. Now, Jo, I suppose it was all very good and honorable in them—but so funny!" and Kate could not resist having another laugh at their expense. "Why, when they all acted the same toward me, and I liked them equally well, how was I going to choose between them? Your Western business was a fortunate thing, Jo. It saved me any amount of trouble, and made the affair *an even game*."

Anna Gould.

EDINBURGH AND ITS ASSOCIATIONS.

"Auld Reekie! wale o' ilka toon
That Scotland kens beneath the moon."

—Robert Ferguson.

AS one stands on the edge of Salisbury Crags, on a summer's evening, surveying the picturesque city at its feet, the most striking object that meets his eye is the Castle Rock. It stands like a sentinel between Old Edinburgh and the New. The compact, gloomy Old Town is huddled up closely under the shadow of the grim rock; while beyond, basking in the rays of the setting sun, as it lingers over the tops of the softly-wooded Corstorphines, is the symmetrical New Town, with its magnificent monuments, its spacious streets, and its palatial buildings.

It was on this precipitous Castle Rock that Edinburgh had its origin. Here, at least ten centuries ago, it existed as a paltry village of rude straw-thatched huts, perched on the summit of this eminence. Like a lichen, it fastened itself on the Rock for security, and its half-savage inhabitants dwelt in safety some two hundred and fifty feet above the valleys below. From their natural fortress these rude people descended into the dense forests in the

valleys to hunt the wild deer, the elk, the wolf, and the wild boar, that infested the wood. For a long time the village lingered within the confines of the hill upon which it had its birth; but at last the limits of Castle Rock could no longer hold it, so it burst its bonds, and spilled itself into the valleys around.

The part of the city known as the Old Town assumed its present shape about the time of Queen Mary. It stretched downward along the back of the ridge that culminates in Castle Rock, until it reached the valley where Holyrood Palace now stands. One continuous street, over a mile in length, extended the whole distance, walled up on each side by a dense array of tall stone fabrics, occasionally reaching a height of ten and twelve stories. This principal street sent off many branches, called closes—narrow, miniature streets, not more than four or five feet wide, made dark and dismal by the lofty houses on each side. The city kept on growing until it quite filled up the narrow valley which lay around the foot of Castle Rock. On one side its growth was brought to a stand-still by hills,

and on the other a lake presented a barrier to its further growth in that direction. Thus the Old Town stood hemmed in, until the latter part of the last century, when the city, no longer able to contain itself, burst out upon the other side of the little lake at the bottom of Castle Rock, forming the germ of what is now known as New Town. Subsequently, the lake was drained and turned into gardens containing beautiful walks, plots of flowers and grass, and magnificent monuments to distinguished men. Monstrous bridge-like streets, held up on the shoulders of huge arches, were thrown across it, connecting the Old Town with the New. Thus linked with Old Edinburgh, the new city grew rapidly. Its streets were soon lined with magnificent buildings, in the modern style of architecture, making a strange contrast with the quaint, ancestral houses of Old Town.

Among the attractions of the Scotch Capital, one loves most to linger around spots in the Old Town; for it is here that all the historical associations of Edinburgh are clustered. High Street, the great thoroughfare running from Holyrood up to the Castle, is full of objects which recall almost every important event in Scottish history. In this street the houses preserve their ancient appearance; they mount up heavenward, story upon story, with innumerable little windows perforating their dingy stone walls, terminating at last in queer serrated gables. Narrow wynds and closes branch off from the street, with such low and narrow entrances that one unacquainted would take them for doors. Traces of ancient gardens, and occasionally a half-obliterated inscription over an old door-way, or the remains of some ancient armorial bearings, may be detected. Everything breathes of the antique world, and the mind is carried back to the scenes of the past. From those windows where now dangles undried and half-washed linen, two centuries ago fair eyes looked down upon

stately processions of steel-clad nobles and gallant men. Along these stony pavements, followed by the jeering multitude, were miserable wretches hurried on to the fatal embrace of the "Maiden"—a name given to the horrid engine used for beheading criminals. Each time-worn tenement has its own tragic history inwoven with the history of the nation. If these crumbling walls might speak, what tales of deadly plotting and deep conspiracy might they unfold! There yet stands the house of John Knox, to which he came after his interview with Mary, stern and unyielding to the tears of the unfortunate Queen. David Hume dwelt on this street, and the eye of the subtle philosopher has often swept over these self-same walls. Up in a second-story window, somewhere in a house along here, unhappy Mary one morning appeared before her wrathful people, who had called her out to receive their condemnation; but their sympathy was so aroused by her forlorn and wretched appearance, that she received their pity instead. A burly ploughman, just from his rustic home beside the Ayr, one day walked along this street for the first time; Burns was his name, and he had come down on the cultured society of Edinburgh like a flashing meteor. Down this street, too, limped a little boy, afterward Sir Walter Scott, peering among the relics of olden time, lingering over some rude inscription, or studying out some half-obliterated date. A memory is awakened at every step. Ghosts of the past start up at every corner. In these dark, low rooms, heaped one upon the other, striving to reach the clouds, now occupied by wretched and impoverished humanity, once dwelt noble families, great lawyers and statesmen, and men high in rank and office.

There is another locality in Old Town, known as Grassmarket, which has peculiar fascination for one who loves the antique. The musty air of antiquity still hangs so strongly around

this locality that it seems like going back two or three centuries to walk on its tread-worn pavement. It is a large area, anciently used as a market place for hay and grass. At one end of the Grassmarket is the old Bowfoot well. A famous old well is this! and for more than two centuries, as the date on it shows, it has quenched the thirst of the good people in this neighborhood. You will almost at any time find several frowsy-headed matrons around it, with their buckets in hand, each waiting for her turn; and occasionally you may see a little, blear-eyed, dirty-faced bairn, with an appearance such as it might have possessed had it been cradled in a gutter, standing on tip-toe, trying to reach the iron goblet.

One entering Grassmarket will notice the rocky steep of Castle Hill proudly towering over on the north side, and upon its summit the walls of the castle scowling down upon him. On a rise of ground a little to the other side, facing the castle, is Heriot's Hospital, one of the numerous similar institutions in Edinburgh for the education of boys and young men.

The two rows of old storm-beaten tenements in dilapidated stateliness confront each other from the opposite sides of the Grassmarket. At the west end of the wide open space stands the old Corn Exchange, looking over toward the Bowfoot well at the opposite extremity. Some innovations of modern architecture have intruded, and look rather superciliously down on their old-fashioned neighbors, as I have seen some city upstart mingle condescendingly among simple, unpretending villagers. The majority of the houses, however, stand just as they did more than two centuries ago. The crow-stepped gables, it is true, are worn by the storms, some of the roofs are sunken, and the little red chimney-cans have one missing now and then, and some are broken half off; but otherwise the view is much the same as might have met the gaze of Queen Mary when she rode through here by the side

of Bothwell. Grassmarket has for years maintained its antiquated appearance, while transformation has gone on all around it. Now, however, that the Vandal hand of modern improvement has commenced its ruthless work, there can be no surmise as to when it will stop, for it has little reverence for antiquity. Nevertheless, even yet most of the houses are mossy with age, and covered with many antique, whimsical projections. The sky-line of the roofs is made jagged and irregular by the multitude of sharp-angled gables shooting upwards, some of them surmounted with grotesque finials. On the summit of one crumbling gable may be a cross, indicating that the house is built on the land once owned by the Knights Templar; while the apex of the next may be crowned with a thistle, the Scottish emblem. Numbers of little dormer windows on the roof look like little houses perched upon the parent house. Small windows, with Liliputian panes, occasionally replaced by bunches of rags or the crown of an old hat, sift in the scanty light that creeps into the apartments. Occasionally a face may be seen peering out of a window, or out of some hole in the wall, not noticed until the gleaming eyes and grinning face catch the attention.

Over upon the north side, at the entrance to Plainstane's Close, is an old-fashioned projecting turnpike stairs; and above the door-way is inscribed, in half-obliterated characters,

"Hisset be God for al His Giftis. 1634."

Henry Mackenzie was born in a house at the head of Grassmarket, just where it narrows into Cowgate. What would the "Man of Feeling" say, could he now see the very house in which he first opened his eyes to the world, reeking with piles of filthy rags, and turned into a depot for rag-pickers!

Across the street from this stands a building which was the home of Lord Brougham in his youth—an old house, where a portly Scotsman, of nose so rubicund and prodigious withal, that

it would have delighted the father of Tristram Shandy, now deals out decanters of distilled delight to the inhabitants of the Cowgate and Grassmarket.

One would hardly think that the dingy building, parading on its front, in big black letters, "THE WHITE HART INN," was once the most respectable inn in the city; yet so tradition affirms. The inns here are very ancient. Indeed, the landlord of the "Black Bull" told me one day, as he poured out a glass of Scotch whiskey for a big pot-bellied gentleman in top-boots, that there was a legible date on a stone in his stairway, which unmistakably was 1368.

In a house that used to stand in the first bend of the West Bow, just as it enters Grassmarket, Lord Monboddo, the author of the famous and fantastic theory of human tails, spent a considerable portion of his life. Here, one dark night, while yet a youth, he was aroused from his slumbers by the uproar of a mob, and rushed out on the old-fashioned fore-stair, and gazed in dreamy horror at the disguised rioters, as they rushed by with the fated Porteous. Standing, half-dressed, with a candle in his hand, he sees the rabble crowding behind—sees the forms of the main actors flitting about in the light of the torches—sees a wretch dangling from the dyer's pole over Hunter's Close—and yet, while he looks, the figures vanish, the lights disappear—all is dark; he rubs his eyes and looks again—he sees, hears nothing. It seems a dream, and yet not all like a dream. Debating the question, his lordship snuffs the candle—that is not the conjuring of a nightmare, for it certainly has heat—and retires.

A queer sight it is to see the life of to-day swarming in and among the relics of two centuries ago. Once this was the abode of the wealthy and the great; those who inhabit it now are the poor and the vulgar. Half-dressed children chase each other in and out

of the dark closes. Some rag-woman, just in from her researches into ash-piles, toils to her hovel laden with her spoils. A fish-woman slowly creeps along, singing the dirge of departed "herring" and "haddie." Divers smells, with harmonious accord, blending into one nondescript fragrance, float in the air, and assail the nostrils. Portly dealers in horse-flesh walk back and forth with whip in hand, discussing the fine points of their favorite animals. Little dirty-faced urchins, perched upon the horses, trot them up and down to the admiring gaze of the owners. Notice that waif with his nose flattened against the window-pane of the bake-shop. He is a fair sample of the progeny of Grassmarket. His cap—it *was* a cap once, and "for auld lang syne" we shall call it so still—has its pristine surface hidden beneath a glossy stratum; and his trowsers—what a caricature on the whole race of unmentionables! Punch himself could not have conceived a more tattered terminus, or a more extravagant rent, than that reaching up to where the pocket ought to be. The wind toys with the tatters, half-revealing in mischievous cruelty the purple leg beneath. He looks wistfully at the tarts within; I wager his memory stretches back further than to this morning before it recalls his last meal. Here, you little imp of poverty, buy a sixpence-worth of happiness!

This is Grassmarket of to-day. How different it must be from Grassmarket of yore! Its glory has departed. Its splendid pageantries, its mighty mobs, its gallows and executions, are all gone. The obdurate Covenanters no longer "glorify God in the Grassmarket," nor does the criminal expiate his sins before an admiring multitude. A cross of stones, curiously laid in the pavement, is all that is left to mark the standing-place of the ancient gallows, which was here erected the night previous to the execution of a criminal—growing up, as Scott observed, like a mushroom in a single night, and as

mysteriously disappearing in the next darkness. Jock Hich, who had acceded to the distinction of hangman as the result of stealing poultry, performed the function of his office for the last time upon James Andrews, on the 4th of February, 1785. Since then the gallows - stone has been taken up; the gallows itself has disappeared, it is to be hoped, forever. Many a head has tumbled off here; and —

"Through the auld Wast Bow, and to the Grassmarket,

Mony a ane has gane down fast an' erie:
Gentles wi' hollands fu' brawly besarkit —
Covenant haulders o' world's care fu' weary;
Doom gaol and gallows' birds naething has carkit,
Fu' dauntonly fitting to the Grassmarket."

What a fantastic picture these streets must have presented in the olden time. The West Port Gate, which for many years was the chief entrance to the city, was then standing at the west end of Grassmarket; and the grim, gory heads of criminals, impaled on its top, stared stonily into the air, striking terror to the hearts of evil-doers. Those heads were always there, a perpetual sermon to the living, and one not easily to be forgotten. When two of these heads were stolen away, Fountainhall tells us that "the criminal lords, to supply that want, ordained two of their criminal's heads to be struck off, and to be affixed in their place;" for this cheerful admonishment to wrong-doers exercised a too important influence on public morals to be neglected.

It was through this old West Port Gate that all royal processions used to enter Edinburgh. It has swung back to admit many gorgeous pageantries, with brilliant banners floating over prancing steeds — beautiful women and chivalrous men, following noble kings and queens; and

"Ye might haif heard on evrie street,
Trim melodie and music sweet —"

grand old Scotch music, that made the air tremulous with delight, and quivering through the ear, set the hot blood to waltzing madly through the veins.

Such a one was the welcome that

James IV. gave to his royal bride of fourteen — the Princess Margaret — when she rode, on the morning of August 7th, 1503, from Dalkeith Castle to enter the city. Here at the gate, James gallantly dismounted from his horse "and kyssed her in her litre; and mounting on the palfrey of the Queene, and the said Queene behind hym, so rode thoron the towne of Edenburgh." So sayeth Margaret's attendant, John Young, who himself witnessed it.

And here too it was, in 1567, that the unfortunate Mary entered the city, not in the pomp of regal display, but silently, by the side of her ravisher, surrounded by the unarmed border spearmen. And then a second time she entered, but not with Bothwell at her side. She had just parted with him for the last time, and now rode between two stern noblemen to receive the opprobrium of her people. Poor Queen! God only knows if she be wholly innocent.

Brilliant was the display when James VI. first publicly entered the Scotch capital, through the West Port Gate, in 1579. A little cherub-angel, ensconced within a globe, descended — not from heaven but from the battlements — and delivered into his hands the keys of the city. King Solomon in all his glory, "with the two women," and Bacchus, and the goddesses of Peace, Plenty, and Justice, all lent their aid to magnify the splendor of the ceremony. Also did "Dame Music and hir scollers exercisit hir art with great melodie."

Among the familiar characters to be seen on the streets in those olden times was the Town Guard, who was the policeman of those days. Clothed in his dingy red uniform and huge cocked hat, with firelock or Lochaber axe pitched upon his shoulder, he saunters along with an air that discovers a conscious sense of the dignity of his position.

Occasionally too you might see a ragged cawdie, full of gossip, glide

along, hastening to the Cross on High street, the rallying point for his class. The cawdies were a class of men who were ready at a moment's bidding to do you any service, from carrying a parcel or a message to serving you as your *valet de chambre*. The fraternity now, however, is numbered with by-gone things. If you want a tit-bit of scandal—the cawdie knew all the gossip afloat—you must hunt it up for yourself, or satisfy yourself with the meagre rumors that reach you through the ordinary course of things. If you want a faithful messenger, you will no longer find him lounging around St. Giles's, ready at your service. His shadow falls no more on the streets of Edinburgh.

And of course there were ladies on the street then, as now. Perhaps a gay belle with enormous hoops and long stiff stays, would flaunt along Grassmarket, while as she—

"Cam' doun the street her capuchin did flee;
She coost a look behind her to see her negligee.
She had twa lappets at her head that flaunted galandlie;
And ribbon-knots at back and breast; a comely sight to see!"

Grassmarket at night, after the drum of the Town Guard had announced ten o'clock, and good sober people had got off the streets, was turned into the hands of Bacchus. The street would be filled with rollicking, reeling roisterers, making the air resonant with their tipsy joyousness. Grassmarket has from time immemorial swarmed with taverns and public houses—

"Where coothy chieks at c'enin' meet
Their bizzin' craigs and mous' to weet,
And blithely gar auld care gae by,
Wi' blinkin' and wi' blearin' eye."

Here, in olden times, they would carouse, and drink, and toast, and "save" their ladies by losing themselves—a custom according to which any one who proposed the name of a lady for a toast considered himself obligated to "save" her by drinking more to her health than any of his companions could drink to their ladies. As a result, when the first intruding

ray of dawn would steal through the window it would find the victorious chevaliers under the table in sonorous unconsciousness.

This ancient street, preserving the marks of antiquity, and rich with the associations of the past, is inhabited by a people who seem to have caught the spirit of the locality. The men and the manners that are seen in Grassmarket to-day are not the men and the manners of the present age. They are not such men as you meet in the streets of New Edinburgh. They are the lagging parts of civilization. Their appearance and mode of living, like the houses in which they live, smack of antiquity. They form a sort of Rip Van Winkle community that has dozed so long in the past that it has fallen out of sympathy with the present. The busy, external world has little attractions for the denizen of Grassmarket, and its uproar seldom breaks in on his tranquillity. He carries on a kind of lazy traffic under the same roof and much in the same way that his grandfathers did before him. Telegraphs, railroads, and all the rapid ways modern commerce has taken to itself, are unknown. The snort of the locomotive has never broken in on the quiet of the old street. The shopkeeper gossips away hour after hour with the red-faced rustic who has entered to invest a penny in red herring. The shoemaker tucks up his apron and leaves his shop in the charge of his wife, while he spends half the day with his cronies over at the White Hart Inn. The hag who keeps the candy shop sits in the door with her knitting, spider-like, waiting to catch some fly of an urchin with a half-penny. The very horses seem to catch the contagious indolence, and slowly rattle their carts over the stony street, as though they seriously doubted the propriety of moving at all.

As a stranger saunters up South Bridge, in the Old Town, shortly after crossing Cowgate—a street which is many feet below, and crosses South Bridge through one of its many arches

—he would come upon a stately stone building, rectangular in shape, with a large court in the centre; and, if he could read Latin, he would see by an inscription on the large archway over the big iron gate, that this was the University of Edinburgh, founded by James VI. of Scotland, in 1582. It is a large structure, and contains lecture rooms for thirty-one or two professors in Arts, Law, Medicine, and Divinity, a library of nearly a hundred and fifty thousand volumes, and the college museums.

This old University, too, is rich with associations. Up in a little room here Lord Brougham used to meet his debating society, and early gave evidences of his powers. Jeffrey and his associates held their club-meetings here, and here conceived the idea that gave birth to the famous "Edinburgh Review." Still later, Thomas Carlyle might have been seen passing to and from his classes—a thoughtful, intelligent young school-teacher from a neighboring village. This pavement, too, has echoed to the tramp of Charles Darwin and hosts of others who have left their names in history.

Among the distinguished professors who have been connected with the University might be mentioned Hugh Blair, the lecturer on Rhetoric; Dugald Stewart, the eloquent writer on moral philosophy; Brown, the subtle and acute logician; John Wilson, better known as Christopher North, who "here chanted his prose poetry, and shook, so savage, his yellow mane;" and, more recent, Sir William Hamilton, who here discoursed so wisely and with such vast learning before his pupils. I have at times tried to imagine the frail form of the great philosopher seated before his table speaking to the students. Above his head, traced in letters that yet look fresh, are the words—

"On earth there is nothing great but man;
In man there is nothing great but mind."

Then underneath this are the tablets containing the names of those who distinguished themselves in his classes.

Among the figures now seen in the University that claim attention, are Professor Calderwood, successor to John Wilson in the chair of Moral Philosophy; Professor Masson, the author of the well-known *Life of Milton*; and Professor Blackie—good, old, eccentric, white-haired Professor Blackie! When will age dim his youth, or time erase his name from the hearts of the Scotch people? Lithe, wiry, his silver hair streaming down on his shoulders, his quick eye flashing and twinkling, his sharp, keen visage cutting itself indelibly into your memory, his perennial wit on the alert at all times to launch out a brilliant saying or a sparkling epigram—who that has once seen him and heard him can ever forget him! To hear him talk is like seeing a waterfall dashing irresistibly over the precipice, breaking into a million fragments, glistening and gleaming in the noon-day sun. As somebody said of Burns, he fairly lifts one off his feet. One of his eccentricities is to compose a Scotch song each year, and sing it before his class. The two great bugbears of Professor Blackie's life are John Stuart Mill's philosophy, and the city of New York. To his mind, the first is the embodiment of all that is wrong in philosophy, and the second is the embodiment of all that is evil in society; and he never loses an opportunity for expressing his truly admirable disgust toward both.

Edinburgh, like all other large cities, has its street characters. Some of these are peculiar to Edinburgh, *sui generis*. Among these is the "sandwich," the man who inserts himself between two large placards that hide all his body, except his head and his feet, which just emerge above and below. All day long may this animated advertisement be seen, patiently standing in some prominent place, or else slowly pacing up and down by the side of the throng that hurry along the pavement.

Another well-known character is the street-piper, who, presuming on the patriotic forbearance of his fellow-

countrymen, parades the street in kilt and bonnet, and flying ribbons, making the air dismal with unhallowed melody. The patriotism of the Scotchman knows no bounds, and, therefore, even the bagpipe, despite its unmelodious wailing, holds a place in his affections. So the perambulating piper is endured, if not even welcomed.

One of the street characters indigenous to Edinburgh is the fish-wife. She trudges from the little seashore village of Newhaven each morning, with her basket of fish fastened on her back by a broad strap passing around her forehead. This little colony of fishermen at Newhaven have lived so long among themselves (for they do not inter-marry or mingle with the people around), that they have almost become a distinct people, both in physiognomy and in manner. These women are scrupulously neat in appearance, and, with their short blue frocks, snow-white caps, ruddy faces, and buxom limbs, present a picture of health and happiness not often seen. The "Shepherd," in *Noctes Ambrosianæ*, thus eloquently describes the fishwives: "There 's something heartsome in the creak o' their creashy creels on their broad backs, as they gang swinging up the streets with the leather belt atower their mutched heads, all bent laigh down against five stane load o' haddocks, skates, cods and flounders,

like horses that never rest—and oh mon, but mony o' them hae musical voices, and their cries afar off make my heart-strings dirl. Saw ye them ever marchin' hamewards at nicht, in a band o' some fifty or threescore, down Leith walk, wi' the grand gas lamps illuminating their scaly creels, all shining like silver? And heard ye them ever singing their strange sea-sangs—first half a dozen o' the bit young anes, wi' as saft voices and sweet as you could hear in St. George's kirk on Sabbath, half singin' and half shoutin' a leadin' verse; and then all the mithers an' gran'mithers and great gran'mithers, some o' them wi' voices like verra men, gran' tenors and awfu' basses joinin' in the chorus that gaed echoin' roun' Arthur's seat, and awa' o'er the top o' the Martello Tower, out at sea ayont the end o' Leith Pier? Wad ye believe me that the music might be called a hymn—at times sae wild and sae mournfu'—and then takin' a sudden turn into a sort o' queer and outlandish glee! It makes me think o' the salt sea foam, and white mew-wings wavering in the blast, and boaties dancing up and down the billow vales, wi' oar or sail; and woe's me, woe's me! o' the puir fishing-smack, gaun down head foremost into the deep, and the sighin' an' the sobbin' o' widows and the wailin' o' fatherless weans!"

D. S. Stephens.

ART AND LOVE.

ONE early morning, led by Fancy's hand,
O'er slumbrous paths I sought the distant land,
Where Art's dim palaces enchanted stand.

And thus I wandered, till with lifted eyes
I marked the golden domes and spires arise
Of Art's cathedral to the orient skies.

Upon a shining path I upward passed,
Until with tear-starred eyes I stood at last,
In reverent joy, within the building vast.

Through crystal domes I marked the sunlight stream
In chastened brightness on the tender theme
Of many a poet - painter's glowing dream.

For all the ideal beauties earth and air,
And sliding river and the ocean wear,
Were pictured by the hand of genius there.

And as I gazed thereon, it thus befell:
I whispered, "Oh, that I might ever dwell
Among these paintings that I love so well!"

"The earth is vexed with trials, greed, and crime;
Here soft would fall the golden sands of time,
And life grow precious as it grew sublime."

A busy artist heard the wish, and smiled;
And bending o'er his canvas, sketched the mild,
Sweet winsome features of a little child.

Years came and fled. At last my heart confessed
A longing still unmet — a deep unrest —
A weariness that would not be repressed.

And from those halls I turned me to depart,
As thus I mused: "How small a thing is Art,
Compared with all the longings of the heart!"

But yet a moment there my feet were stayed;
For on my artist's canvas was portrayed
A child no longer, but a lovely maid.

So sweet her face, that still I lingered there,
Entranced before the picture; for I ne'er
Had seen a maiden's face so passing fair.

Then said my artist, as he smiled again:
"No dream of beauty fills the heart in vain,
But ever adds to life a richer gain.

"It is the dreamer throws the priceless seeds
Which blossom o'er the earth in noble deeds,
And Art is holy when to Love it leads."

Thomas S. Chard.

THE DEATH PENALTY.

SAYS Professor Huxley, "The science of Politics is in a very rudimentary and imperfect state. Politics, as a science, is not older than astronomy; but though the subject matter of the latter is vastly less complex than that of the former, the theory of the moon's motion is not quite settled yet." Most reflective men will accept this observation; indeed, it cannot be disputed, for nothing is scientifically settled which intelligent candor can question; and, in this light, polity can boast hardly an axiom. Wherefore, the most established and venerable dogmas of civil well-being must be considered as but tentative, while the mysterious and profound problems of human nature daily evolve fresh aspects, and demand new and original adaptations. In the discussion, then, of such questions, how small the help we can derive from the most accredited systems! Of late years, a feeling of uneasiness may be detected in the bosom of society, in every nation, on the subject of crime. If a date be assignable, the beginning of this spirit may be ascribed to the promulgation, by Dr. Gall, of his system of Phrenology, which could not have failed to qualify then prevalent ideas of personal responsibility. But far greater was the influence of later researches into the pathology of the brain and nervous system, which have at length determined the important law that the mind and body reciprocate disease, so that, without functional or organic derangement of the nervous organism, there is none mental or passion. The effect of these things was to break up the rigidity of the ancient notion of wilfulness; not because it was really inconsistent with the ascertained results of disease, but because by it people ran the risk of punishing the sick. Men began to doubt where to draw the line between wickedness

and wretchedness, until, amidst a general differing of the doctors, the once discountenanced and still unstable theory of emotional insanity gained so wide-spread a hold on the quickening sympathy of mankind that it has already unsettled even the unyielding conservatism of the common law.

Again, the surprising success of juvenile reformatories, and of all species of education, in arresting incipient criminality, profoundly moves the public conscience with the suspicion that at least its inability to cope with the difficulties of the problem, if not its selfish neglect, lodges on society at large the badge of failure, rather than on the individual malefactor the brand of guilt. We cannot but feel, with dismal and vague misgivings like these, that the defence of person and property against violence and spoliation must be justified upon concrete and palpable expediency, and no longer upon dogmatic condemnation. And that position is at once the most conscientious and the most stern. It looks the facts in the face, and accepts the situation. And when a community or an individual once does that, whatever is done about it "means business," as the saying is. And, in this matter, "business," indeed, must be had, or we are undone, whatever that may mean.

It is clear that great innovations are in progress in the matter of dealing with criminals. It is remarkable with what spontaneous generality in England and America the ancient jury system is in question. When this shakes, nothing in what is called the Anglo-Saxon mind is stable any longer. It is not, perhaps, that the jury is unfitted, in civil or criminal causes, for its time-honored functions, but it has been the vehicle, and verdicts have been the expression, in great degree, of this modern tenderness, which has

reached a point that actually threatens to enfranchise crime. What then? Make laws against the sentiment of pity? Or, on the other hand, make a legislative exclusion of public sentiment from questions of life and death? and that, too, by way of an experiment which, it would be no exaggeration to say, would be as radical as a fundamental change of the seat of the sovereignty? But we will revert to this point.

The problem of the treatment of crime presents itself just now most prominently in the case of murder. The press teems with suggestions of reform, while the country laments the fearful insecurity of life and the demonstrated inefficiency of the existing means of repression and punishment. Legislation is everywhere invoked, but the most cursory examination of the remedies proposed would seem conclusive against the most of them. Some, indeed, are extravagant. For example, it having been frequently experienced that a murderer, justly convicted, obtained, first a prolonged respite, and afterwards a new trial, amidst a reaction of public feeling, and finally an acquittal, all by reason of mere technicalities, it is proposed to contravene this result by abolishing appellate jurisdiction and requiring an execution within a certain brief time after verdict, in all murder cases. This monstrous invention only occupies the void of ignorance of the system it proposes to modify. That system is "technical" just because it is a system. From the orbit of a planet down to the fit of a lady's thimble, whatever has a boundary has some exact line at which it is and across which it is not. This nice exactitude in law becomes "technical" in direct proportion to the vigor and strength of the system of which it is but the incident, yet a necessary incident. Let us have an end of this stupidity about technicality. Without technicality the law is without definite boundaries, and without definite boundaries there are no boundaries. There

is not room for a hair between Lake Michigan and the smallest sand of the shore it impinges on. "Miserable," says the ancient maxim, "is that country whose laws are uncertain." But technicalities are their landmarks.

It is, if possible, a still more puerile proposition to abolish the principle, peculiar to criminal prosecutions, of presumptive innocence if there be reasonable doubt, substituting therefor the ordinary rule of civil causes, determining according to the preponderance of evidence. A man convicted, by force of statute, upon a mere leaning of the jury's or the judge's mind, would find himself the focus of an anxious and earnest sympathy that would certainly protect him even against the militia headed by the Governor. It would but inflame the very evil of the times, viz.: misplaced — not excessive, but misplaced — sympathy with a sufferer. Why misplaced, we will attempt to show further on.

Nevertheless, the remedy must be in great degree legislative. The hideous cruelty of the criminal judiciary of old, even at the hands of judges like Sir Matthew Hale, developed that minuteness and refinement of technical casuistry known as quibbling, a perversion which sheer humanity upheld for ages, to avert the sanguinary and remorseless sentence of the law. Hence it has been honorable to affect to treat as matter of reasonable defence sophistries of a grade to which counsel do not descend in civil causes. The custom in its day was but strategy of justice; but it has long survived its reason, and, therefore, its dignity, and ought to go down to the shysters faster than it is doing. But to legislate a change of manners is not to be thought of. Yet any incident of a statute which should operate to withdraw the motive, would effect the improvement. Such might be an incident of a statute directly adapted to modify the judgment on error in capital cases. Let it be a mere proviso that judgment of reversal in a capital case shall be inop-

erative against conviction, where the matters adjudged to be error do not affect the question of the substantial guilt or innocence of the prisoner.*

Here is a distinction which we think could seldom be much obscured at bar, and its effect would be to render appeal, when made, more significant and substantial, and less an assumed matter of course, thereby better guarding innocence than now; while, on the other hand, the disclosed certainty of his substantial guilt would end the prisoner's hopes, and with them the distressing suspense with which the public inevitably and morbidly sympathizes. Indirectly, as above remarked, it would dignify legal debate; and we hardly know anything that could more powerfully uphold the waning majesty of the law against the audacity of American crime. Most of the suggestions, however, have been rashly levelled at the system of jurisprudence itself. But let an intelligent layman take up an elementary treatise on procedure, in which he will find for every rule a reason and an example of it. He, far oftener than the professional reader, will fail to invent a way to dispense with them, for injustice would seem to have been unavoidable in any one of the instances cited for the rule, had a different one prevailed. But the jurist is able to discriminate between methods and principles, and the sociologist teaches him that the latter are phenomenal rather than statutory. It takes something more, therefore, than the legislature to secure a statutory result in derogation of a system by whose principles the very meaning of its words is dictated. Within the practical sphere of legislative reform, how-

ever, lie a vast accumulation of impediments, mostly methods and regulations, which, if ever wise or humane, are utterly obsolete. Of these, it appears to the writer, the most odious is the method still in use for executing the capital sentence.

It is not conceivable that if left to the necessity of contriving a mode of taking life judicially, any community in Christendom would, in this age, invent hanging. The most universal feeling in the presence of death is that of solemnity. It is simply correlative between the living and the dying—solemnity in the witness, and mortality in the subject, are so inseparable that all human beings at once notice any exception. Now, a dying man dangling by the neck from a rope, with legs and arms kicking and tossing in the air, is a spectacle which it is certain must have been expressly intended to exasperate this sense of solemnity. Hardly anything can be imagined so well fitted to that result. It was adopted, doubtless, under the mistaken notion that this unutterable mixture of disgust, horror, pity and sense of *grotesquerie*, would be the more instrumental in warning beholders. But already the whole theory of deterring crime by horrible spectacles has been so exploded that the opposite and more enlightened opinion has long constrained a modified concealment of executions, with acknowledged good results. Why retain, then, this hateful indignity to the human form, when the supposed use of its hatefulness has totally disappeared? Decency among the rudest becomes a ruling sentiment on all occasions of solemnity. Why this universal demand for ceremony, form, method, order, observance, etiquette, whether among the artless rustics of the field, the forecandle's reckless sailors, or the mine's lawless adventurers, whenever the dead are to be buried? Is it only because all manner of men have been bred to decorum on certain occasions? Be it so, then; but how came such a custom to be as uni-

*For this idea the writer is indebted to the experience and sagacity of a well-known criminal lawyer of Chicago, who, in reference to the question in Illinois, proposes that the appellate jurisdiction itself, and not merely the effect of a judgment of the Supreme Court, should be subjected to the limitation. Possibly the question on which that of jurisdiction would depend, viz.: the substantial guilt or innocence, would be of less convenient and satisfactory solution in the appellate court than in the forum of the trial had.

versal as the human race? It is because decency and gravity are strung in the same heart-string. But hanging is all but the grossest indecency to which the body of man could be subjected. No man can be justly hung; but if one could, no other man's body escapes the insult. But let us examine more particularly where the shoe pinches in this alarming evil of lax restraint of murderers.

Of course, whatever will make the designer of a murder more fearful of losing his own life, will arrest the evil. If this is correct, the criterion of all propositions is, whether they tend toward that result? Doubtless, a variety of co-operating measures may be requisite; but they ought all to tend to increase the certainty that the punishment prescribed by the law will actually be experienced. If this certainty should ever become a clear, prevalent presumption in the general mind, it would even touch the doctrinal question itself. In proportion as his punishment appeared to him inevitable, the murderer's act would be a suicide as well as a homicide. And if there is any person whose conscience would be hurt by capital punishment inflicted by the murderer himself, he may coddle his remorse without our attempting to alleviate it. If society constructs a machine for great and transcendent uses, but so operating that if a man chooses to pull a forbidden string, some automatic sword cuts his head off, it can have on its conscience the blood of no person who knowingly and voluntarily pulls that string. But what is the difference between the metaphorical and the actual civil organism, except that the automatic attachment of the latter is so bungling and precarious that it only tempts the viciously foolhardy? Now, the public conscience may well be and is disturbed at this defect. It is the botchery of the taking off—not the compulsory ending of a murderer's life, that harrows the public sensibility. Let it, therefore, be remedied by rendering more distinct and

obvious to all men the interdependence between the crime and its penalty. How shall this be done?

First, by providing a method of execution solemnized by every decency that befits the appointed dissolution of a fellow-man. Let the murderer die with whatever rational dignity he may be able to command. Let him pass away in peace, with his faculties about him, without the detestable incongruities of a gallows-scene, which now drive him into savage hardihood, or else distract bystanders with the humiliating anguish of seeing a fellow-man bestially unable to consent to death. We have no fancy for any particular way; for illustration, however, suppose it the prescribed order to conduct him early in the morning to his home, bring a guard around his house, leave him with his family and friends, without intrusion, until, at such moment before sunset as he should give the signal, a public officer, accompanied by a chaplain and a physician should enter, with due ceremony, present a fatal draught, and witness the act of the perishing man in decently lying down to sleep. After the remains had been disposed for the coffin by the friends, as in natural death, a suitable roster of witnesses might enter and view the body. It might be better, too, that persons designated to perform any office which could bring them into the domicile should be habited in a prescribed costume.

What would be the effect? Many, rashly undervaluing the reasons of the thing, will say it is "honoring" the murderer. But will it tend to deter murder? that is the question. We think it would, because juries, judges, governors and the public would conceive of the execution without those harrowing and dreadful incidents which now render a refined or a sympathetic man unwilling to permit anybody to be hung, if the smallest excuse can be found for him. The bare idea of abridging the three-score-and-ten is not capable of awaking such morbid repugnance.

The murderer himself, devoted to a decent death, in the very tokens of sympathy he might receive would realize his doom; for as a doomed and not a threatened man, he would be tenderly pitied, forgiven and favored as he ought to be. A man devoted to death is not necessarily a man to be saved from death if possible, even if he is guiltless. Brothers in arms, willing to die for each other, make no effort to keep each other out of appointed danger. It is not that the civilized heart of the age revolts, that a man—at least, a bad and dangerous man—should die, but that he should be passed through the barbaric and shameful gibbet-tableau, that abominable anachronism of our magistracy.

A second method of increasing a sense of the certainty of punishment is to solemnly enact, in the statute of murder, that in every case of homicide the person who did the killing shall be deemed and held to have devoted himself to death, and to have invoked the instrumentality of the law for the execution of his doom, by virtue of his act of murder; with provisions for the case of misadventure, sudden heat, etc. The indictment, then, should simply raise an issue of inquest as to the facts, and of judgment as to what might be adduced to rebut the statutory presumption that, by the killing, the prisoner had adjudged himself to death. This suggestion is novel, but not so radical as it may appear. It would leave a prosecution subject to every principle of procedure that now exists, except a few mischievous and perplexing fictions. One of these is, that the offence is against the State, or, as in England, against the Queen. "Vengeance is mine," was said by the King of kings and of queens. The State has no warrant in modern ethics for assuming to restore the equilibrium of eternal justice disturbed by a murder. She is in no just sense vindictory, but only conservative. She must protect the living, not avenge the dead. For this necessity, she may put

a man to death. But that it is, after all, in execution of his own self-condemnation, is apparent from this: that if the State had neglected to make and provide a statute against murder, it could not pretend, legally, to the right to touch a hair of a confessed murderer's head. It is, therefore, solely in virtue of its warning him that he cannot murder another without, by his own act, voluntarily procuring himself to be murdered, that the State acquires a right to use its machinery of justice; and not in virtue of the injury it has sustained at the hands of the murderer. This is but a corollary of the law itself, and therefore within the law to-day. The practical operation of thus altering the issue in a capital case would cut off incidentally nearly all of that hitherto invincible cobwebbery which now renders the common sense of the facts and the sober logic of the law almost inaccessible to bench and bar, witnesses and spectators, in a murder trial. The prisoner himself can have no clear idea of his crime, as against society. If to this charge were added the suggestion above mentioned for rendering a review inoperative unless it should touch the real question of guilt or innocence, we cannot but think a murder trial would almost necessarily result justly, and the sentence go into effect inexorably, because from the murder to the execution the whole public could see the *rationale* of the case.

But again, the solemn promulgation of the principle that on his own hands was his own blood, would strike the heart of the man compassing a murder with a now unknown terror of crushing simplicity. It would but formulate the truth as it stands to-day—unrecognized by law, and therefore obscured by fictions—in every conscience in the land. No man with bloody hands would hope to make head against that simple and awful truth. No longer could he count on that powerful and noble prompting of the heart of man to side with the

weaker; for no longer would his case strike the public imagination with the purely illusory but affecting figure of a solitary and miserable man at war for his life with the huge and unfeeling State. It would then appear, what it really is, an inquiry into the truth of a case, of which ulterior results have been already determined by the party himself, unless investigation lifts the gloom lowering from the sky of natural justice.

A little reflection shows, then, that this innovation, great as might be its consequences, would be an innovation mainly of form, and that not a whit more than necessary to remove obstructions of the acknowledged truth of the matter, as the age sees it, everywhere but the very place where it is wanted—in court. But to abolish or seriously modify the jury system, while, to some, seemingly a comparatively slight change, could not be rated below a fundamental revolution of political government. The strange rashness in this matter seems to result from inattention to the nature of jury trial.

Here is its peculiarity: It is a trial neither by arbitrators, nor by magistrates; neither by the king as an autocrat, nor by the law as a code; but *by the country*. To be sure, on all sides the jury is hedged in by the law; yet there is undoubtedly an element in the idea of a jury which is contradistinguished from ordained law. Trial by jury, in its essence, is a mixture of the judicial will with the undelegated will of the people. This is manifest from the whole history of jury trial in England, if critically studied, and of its analogue in northern Europe, and more anciently in Greece. The Athenian court, called the *Heliaea* (from *alia*, "multitude,") consisted of 6,000 of the people of the city, chosen out of the whole every year by lot. Of these 6,000, an abstract of a smaller number, down to fifty, was drawn expressly for each separate case, in a manner and by officials carefully prescribed by law, very much as jurymen are selected in

our own time, from citizens named in the lists. They received three *oboli* per day for their services, sat upon wooden benches covered with rugs, and heard the advocates who argued before them from their designated places (*bemata*). Pettingall, Mitford, Mr. Justice Wilson, Sir William Jones, and others, have sufficiently demonstrated the antiquity of the idea of a jury, which we maintain. It is essentially the sovereign people sitting as a court, their recorded and delegated will being represented by the law and its officers, and their undelegated will by an impartial abstract from their own numbers.

The philosophy of it is, that average public sentiment, spontaneously arising, is a good ingredient in statutory administration. It is, in its lowest terms, as a British institution, a partnership court between the king's judge and what Americans call Judge Lynch. Long since the necessity for conciliating a justly suspicious commonalty by admitting them, with their prejudices and opinions, into a participation with magisterial government, has passed away; but, there has never yet ceased a most healthful agency for keeping jurisprudence from becoming a barren abstraction, and a court of justice from becoming an inscrutable nidus for corruption, in the necessity of having all essential business of both rendered intelligible to and brought under the vigilant scrutiny of the common people, as represented in the jury box. A common law court, then, is composed as essentially of a jury as it is of judges. The people and the magistracy unite and agree in settling causes of action. It may be compared to the Roman Senate, tempered by the rabble, personified in their tribune. It was no legislature without the tribune any more than our senate would be a legislature without the lower house. Nor do we scruple to say that to abolish the latter would be no greater innovation than to abolish jury trial in the courts of the United States.

It is, therefore, not by grace of metonymy that we identify the jury and the people; it is the doctrine of the law. A jury is an "abstract of the country," and is presumed to be fairly representative of the average feeling, opinion and capacity of the country. It is not a civil right to sit on a jury or to be eligible as a jurymen. The law deems it a burden, from which a man may be "exempted," but to which nobody can be promoted. So exclusively is it the country's right, not the individual's, that the right is not capable to vest in any individual. The greatest of forensic lawyers declared before the whole kingdom that the king, the cabinet, the army and navy, the judges, and even Parliament itself, in its omnipotence, were but guards, conservators and ministers around the British jury-box. If this was more eloquent than accurate, no jurist has ever said so. Those "guards" are the cup that holds, steady, shapely and even, the essential jury; but that jury has been dipped from the vast, changeable, some times stormy, sea of the people.

So far, then, from attempting to repress murder by tampering with the jury system, the opposite indication is strenuously demanded. The jury is now disburdened of its true, high and arduous function. After a homicide, the killer is to be tried "by the country," in the ancient, significant, and most apposite words of the pleadings. Well, then, how does the country try him? The answer is, in the following manner, viz.: Such citizens as think fit resort to the chambers of the Governor, to supplicate mercy for a man whose life is imperilled. Who shall limit the resources of precatory appeal? Heaven forfend the day that hinders any species of eloquence or art which pity evokes! Such is the trial. It is wholly *ex parte*, besides being purely emotional. The contest between the firmness of an individual and the melting importunities of imploring men and women, bears hardly any analogy to a rational process for the decision of a

judicial question. Accident has in it a potency greater than reason. But in any view, the firmness of any man's will against his heart is extremely subject to his state of body. A bite of old cheese costs one poor wretch his life, while a bland and genial cup of Oolong opens a gubernatorial countenance, thereby redoubling a petitioner's zeal, and a wife-killer is licensed to marry and kill again.

Say not this unseemly bandying of life without truth or reason, from which no Executive now escapes, is not the *real* "trial." It is; for we speak of the substance, and not the form. True, all this procedure pre-supposes a sentence of death, a verdict of guilt, a prolonged trial, an indictment, a finding of a grand jury, and a murder. But here is the point, viz.: When the murder was resolved on, the slayer began to weigh his chances at the test-trial; and where had he learned to locate that trial? In the bosom of the Governor, conducted, if at all, by the newspapers. Let it be once understood that when a man kills, he has thereby provided for himself a speedy and decent death, and pardon implorers will feel it awkward to say that, after the party had executed that part of his will which cost his victim his life, he had changed his mind. "You made your bed—now lie on it," might say the mildest Executive.

Should this principle go into statutory force, the jury would hardly fail to become again the repository of the issue of life or death, which now it is not. "Tried by the country" (and by nothing else should any man lose his life) would then become, as our law contemplates, a trial by the natural judgment and conscience of the community, guided and enlightened by the learning and wisdom of the law, rendered practicable by abstracting a few average citizens, and bringing them personally into court. On those citizens should be the responsibility, not of adjudging a fellow-man worthy of death, but of conserving life in society against the

groundless appeals of a prisoner for immunity from the death denounced by himself upon himself. They should learn to feel that it is not they who pull the string that works the automatic sword, but the slayer himself who has pulled it. Their only function should be to keep the machine in order. But how is it now? The jurymen is placed in a situation of exquisite impartiality between the parties, to wit: the murderer and the State, with neither of whom he is identified. Under these circumstances, he does not like to kill one for the sake of the other. Such is the hurtful fiction. The truth is, he is absolutely identified with society, and sits there to protect it. The murder and the correlative death of the murderer should be foregone eventualities, which he might regret as much as he chose, but in which he could have no remorse, because no participation in the one death any more than in the other. His function should be simply to ascertain whether the first death happened as a fact by the hand of the accused, and whether the excuses offered for it were in fact true. But now he is obliged to find a moral and legal conclusion of guilt or innocence, and he naturally shrinks from it. Let society at large do it for him in advance. His conscience is personal, but his duty is official. Be it, then, his sole office to find facts and not conclusions. Suppose the doctrine to have been made into a law, that his devotion to death is the man-slayer's mediate act by the killing, the juror's function would be only to find conclusions of fact. If, then, the form of the verdict corresponded, the most tender-hearted juror would seldom fail to be just. He

would find that the prisoner did kill the deceased, and find that the first and the second and the third, and so on, of the excuses pleadable under the law, were or were not in fact true. If the first finding was affirmative and all the rest negative, the man's doom would be fixed, though the juror would have had no more share in it than the witnesses—not so much. Such a procedure would make it very hard to get a false or strained verdict either way, and the important consideration remains to add, that the same simplicity of the logic of the prosecution, which would protect the jury from emotional influences, would likewise disqualify most of the reasons commonly urged as grounds of Executive clemency; the whole depending, at last, for its chief efficacy upon its fitness to enter the general mind as a palpable, intelligible connection between transgression and punishment, as different stages of the same thing, of which any man could see both ends every time he was tempted to kill. That connection would then appear in its stern strength, as plain as the iron bolt that couples the hind part to the fore part of a wagon. It is now like the relation between balls on a billiard-table—subject to chance, experience, skill, and fraud. To put it all in a word or two:

1. Abolish revolting incidents of execution.
2. Remove obstructive fictions.
3. Ordain the truth that homicide in society is *ipso facto* potential suicide, subject to exceptions.
4. Men who think the ordinance too absolute need only to suffer their fellow-men to live on.

John M. Binckley.

THE OLD FLAG.

THE Flag? I lookin' ? Well now, what of that ?
 You thought that I hated it, hey ?
 Perhaps, then, I do, if that 's what you 're at —
 But why are you grinnin' that way ?
 I 'd look at Ben Butler 'f he came in my view —
 I 've a hankerin' for seein' — hain't you ?

Oh ! I looked rather curious ? How so ?
 Kind o' white round the gills 'd you say ?
 But that, in our fam'ly — you cert'nly know —
That means that the devil 's to pay !
 Maybe, now, it 's a spell as I 've took,
 To be givin' somebody a knock.

No ? Did n't look vicious, you think ? What then ?
 Kind o' sorrowful, hey ? That 's a go,
 For a four - years' campaigner with men
 Who 've a record like ours to show !
That 's a story to tell on a man
 Who can show 's many scars as I can !

Well, there 's no use o' dodgin' it, Tom,
 I sometimes *do* feel awful queer ;
 I do n't talk of it much, ev'n at home,
 But 'twixt you and me I do n't care —
 I *did* look at the flag goin' by
 With a kind of a mist in my eye.

" Repentance ? " Do n't laugh at me, man —
 There 'll be a funeral 't your house 'f you do !
 No, not much repentance — but then,
 I 've a good deal to grieve me, it 's true ;
 There are thousands who see it that way,
 Though, like me, they have little to say.

Now, I came of a patriot stock,
 Who taught me to love the Old Flag ;
 And I stood by it firm as a rock,
 Till I thought it began to look brag —
 Till I felt that it emblem'd a power
 That respected my people no more.

But it all turned to bitterness, then,
 And I thought I 'd the right to resist,
 While you thought not ; so, though we 'd been
 Both neighbors and friends, we must 'list,
 To go fightin' each other like heathen,
 'Cause we could n't through the same glasses see then.

So I took to the "So-called" at first;
 And 'f I had any vigor and pluck,
 They were hers at her best and her worst —
 (The weaker she got, the closer I stuck;)
 And in fact, I did n't fairly give in
 Till I came and saw *your* blasted grin.

But the struggle's long over, Tom, now,
 And we've all the same Government still;
 We've no thought of another — then how?
 Shall we go on in bitterness, till
 Our children imbibe the same feeling,
 And keep widening the breach, 'stead of healing?

Now, in truth, I do n't like it, to feel
I've no Country, or, what is the same,
 Can't love, and rejoice in its weal —
 Can't take pride, as I did, in its name —
 That my children — it hurts me, I own it —
 May always look coldly upon it.

What? A family quarrel, 'd you say?
 And *I'd* fight for the Old Flag now?
 That's a tender point, Tom, but you may
 Be right about that, for I vow
 I believe I'd pitch in like a cur,
 If outsiders came foolin' round yer!

Ed. Porter Thompson.

THE MAN IN THE IRON MASK.

"What! will the line stretch out to the crack
 of doom?"

MORE than sixty volumes and not less than one hundred and twenty essays and tracts have been published, during the last hundred years, to prove conclusively that some particular person out of thirteen others was certainly *l'homme au masque de fer*. Last year M. Topin, a French historian, professed to have settled the question forever, and the Academy awarded him its medal. But an officer of the French army now appears, disputing the historian's reasoning, and saying that Chevalier de Riffenbach is

the unknown man, as can be proven by recent important discoveries. Let us recount the well-nigh forgotten story, that we may pass judgment for ourselves.

About the beginning of the last century there disappeared from among the State prisoners in France a person who had long been spoken of as *l'homme au masque de fer*. There is no known history of his life, nor ascertained record of his death. For full forty years — from, in fact, the death of Anne of Austria, in 1664, to the war of Louis XIV. about the Spanish succession, which commenced in 1702 — there

were rumors in court circles, and among the people, of a State prisoner of unknown name, who, disguised in an iron mask, of which he was never seen divested, denied all intercourse with the outside world, strictly guarded, attended and watched by an officer of high rank, and removed from prison to prison only at long intervals and with jealous precautions, was a living protest against the ruling dynasty. No known person had ever held conversation with him. He had apparently no friends. The purpose of his incarceration was conjectured. Neither letters nor messages from him were supposed ever to have been received. But, nevertheless, the fact existed, established by incontrovertible evidence, that there was such a State prisoner—confined, disguised, and cut off from all communication with the world—whose lineage, rank, and name were to be kept as profound a secret as the outline of his features or the expression of his face.

The rulers and their ministers were the jealous guardians of the mystery. It was a State secret, considered so important that every person who was entrusted with it, king or minister, bound himself with an oath never to reveal it, save under certain prescribed conditions. Thus it was to the Duc d'Orleans, Regent, that Louis XIV. entrusted it under oath; the Regent passed it in turn to Louis XV., who revealed the secret to Louis XVI. The last, before the unhappy circumstances that resulted in his imprisonment and death had occurred, had already made it known to his brother, who afterwards became Louis XVIII. It is a curious fact, and worthy of remark, that neither the Regent, nor the lively and dissipated Louis XV., in their gayest moments of revelry, even when elated by wine, ever allowed the secret, by any chance, to escape their lips. The name of the prisoner was lost in the mysterious phrase, "*l'homme au masque de fer.*"

At the time Louis XVI. was married

to Marie Antoinette, he was already in possession of the secret. One day Louis Philippe (afterwards *Egalité*) repairing to Versailles, found the young wife seated at her husband's feet. Upon seeing the Prince she sprang forward, embraced him, and exclaimed, "Pray, cousin, help me to extract from the king all he knows of the masked prisoner!" Louis seemed unusually serious and annoyed; and returned an answer more positive than was his custom: "Do not ask me! I cannot divulge anything concerning him!" "Probably," remarks M. Michelet, who tells the story, "probably he did not care to have a question involving his legitimacy carried to Vienna, and there discussed."

The various anecdotes relating to this mysterious character and to his captivity, all point in one direction. It was a matter of personal importance to the Bourbons that the history of the man in the iron mask should not be known. It was never pretended that he had indulged in ambition or been detected in crime. Not for what he had done, but for what he was, was he doomed to life-long estrangement from his kind.

Dufresnoy, who was four times consigned to the Bastille, had once seen the masked prisoner, but could never be persuaded to give any description of his person or appearance. Upon being questioned once upon the subject, he replied in great alarm, "Do you wish me to be committed to the Bastille a fifth time?"

In the memoirs of Marshal Richelieu it is stated that a discussion upon the identity of the man in the iron mask once arose at the King's table. Louis XV. was present. Many opinions were expressed, and each courtier was anxious to establish his own. The King took no part in the conversation, but remained at the table a listener. He afterwards stated to the Duke that, curiously enough, "not one of the disputants had uttered the truth regarding the prisoner." The Dauphin (father

of Louis XVI.) having entreated the King to disclose to him who the mysterious prisoner was, the King replied: "It is well that you should continue to remain in ignorance; be assured that to be better informed would both grieve and shame you." To Laborde, a favorite, Louis XV. remarked: "I deplore the incarceration. Though lamentable for the poor man, it nevertheless prevented great calamities. More I cannot say." Louis XVIII. remarked once, in conversation upon the subject: "The mystery was revealed to me, and to my successor it will be divulged. But it is necessary that we should preserve the secret, to maintain the honor of an ancestor inviolate."

In an edition of Voltaire's works, edited by Benéhot, the following anecdote is related: "A short time before his death, Louis XVIII. was one day dozing in his chair after dinner, according to his usual custom, when a conversation took place in regard to the masked prisoner. It occurred between two gentlemen in waiting, carried on in an undertone. One, M. le Comte Paix, strongly supported the opinion, expressed in a work then recently published, that the masked prisoner was the brother of Louis XIV. The King, upon hearing this assertion, appeared to awake from his doze, but refrained from taking any part in the conversation. The next day, under nearly similar circumstances, a new discussion arose between the same persons on another historical question. M. le Comte again expressed his opinion with some warmth, when the King addressed him: "*Paix, hier vous aviez raison, et aujourd'hui vous avez tort.*" (Yesterday you gave a right opinion, but to-day you are wrong.)

In a collection of "Unpublished Letters of Benjamin Franklin," issued from a Baltimore press some years ago, there is to be found a statement, which, condensed, runs as follows: The last person in possession of the secret of the *masque de fer* was the Duc de

Richelieu, to whom it was communicated by Mademoiselle de Balais. The Duke never divulged the secret to Voltaire; but he was more accessible to the earnest questionings of Benjamin Franklin, who related the following in a letter addressed to John Jay: "I yesterday conversed with the Duc de Richelieu. He is well-disposed to our cause. He was much pleased at my praise of the celebrated Cardinal. I took the opportunity of asking him who the *masque de fer* could possibly be; that he was undoubtedly born during the administration of the Cardinal. He immediately assumed a serious look—said it was a State secret—but gradually revealed who he was. I confide the explanation he gave me to your safe-keeping."

The person to whom the man in the iron mask was committed was St. Mars, a person of rank, who always possessed the confidence of Louis XIV. He was the Governor of St. Marguerite for many years. His charge was always the object of great curiosity. He himself wrote to the King, "In all this province the report has spread that my prisoner is the Duc de Beaufort. Some say that he is the son of the late Oliver Cromwell." With regard to the journeys of the unknown captive from the Bastille to the prison St. Marguerite and his return thirteen years afterward, they were made with the utmost caution and secrecy. Keeper and prisoner were never separated for a moment. They rode in a sedan-chair, covered with waxed cloth, and almost impervious to the air. A squad of infantry accompanied the procession, and troops went forward an hour in advance to see that the way was clear. Indeed, the fates of St. Mars and the masked captive were indissolubly connected. The one never quitted the other from the hour he took charge of him, following him through all changes of residence, until death released the prisoner. Of the journey to the island, St. Mars wrote to the Minister in May, 1687, "I can assure you, Monseigneur, that no one

in the world has seen the prisoner; and from the vigilant way in which he was guarded, and in which I caused him to travel, every one is eager to know who he can be."

Before entering upon the question of the identity of *l'homme au masque de fer* with any one of the vague personages whom he was supposed to be, let us take a look at one of the places of his confinement.

The *Isle St. Marguerite*, situated in the Mediterranean, south of Provence, is clearly discernible from Cannes. It is a long, low island, stretching from east to west. Taking departure from La Croisette, which forms the middle point between the bays of Napoul and of Jouan, the island is approached after about half-an-hour's row in an ordinary boat of the country. Dangerous rocks surround the land—not the less dangerous for lying chiefly under water—on which your boat, although skilfully managed, is almost sure to be dashed.

Reaching the landing place, and ascending a numerous flight of steps, you pass over a draw-bridge and through a gateway into the fort. Crossing a spacious quadrangle into an interior court, there is before you the prison. The custode avers that the prison was much altered immediately upon the departure of the "man in the iron mask," purposely to remove all memorials of the imprisonment. The guide leads you to the end of a long corridor, and after the unlocking of ponderous fastenings, you enter the mysterious prisoner's chamber. It does not now appear like a prison. The doors indeed are heavy, and the one large window has iron gratings; but the walls are high, the light and air abundant, and the room spacious. It is narrated that on one occasion while at dinner, during the temporary absence of his attendant, the prisoner wrote some lines on the silver plate before him, invoking the pity and good offices of the finder, and threw it out of the window. It fell into a fisherman's boat. The

poor fellow, in the plenitude of his honesty, brought the plate to St. Mars, the Governor.

"Can you read what is scratched on this plate?" asked the Governor.

"No; I cannot read," replied the fisherman.

"Do you not know how?"

"I was never taught."

"And you have no idea of your own, or from others, of what these lines convey?"

"My lord," replied the frightened man, "no one but yourself knows that I found the plate. It fell into my boat not an hour ago, and I brought it instantly to you."

"I believe you to be truthful and honest, my good man," answered St. Mars, much disquieted by the event, "but must detain you in order to be quite certain."

Still doubting, and alarmed lest the secret of his mysterious charge should thus have escaped to the outer world, St. Mars detained the fisherman a week in prison, until he had ascertained beyond all doubt that the poor man did not know how to read.

The prison window then received two additional gratings, and the prisoner was more narrowly watched. No attempt to communicate with the outside world was again discovered for several years. The captive seemed reconciled to his fate. But in the spring of 1696 a friar, passing by the prison walls, observed something white floating on the water. Securing the object with difficulty, he brought it to St. Mars. It proved to be a fine linen shirt, negligently folded. Upon opening it, the linen was found covered with writing from end to end.

"Did you read this writing?" asked the commandant.

"I did not even open the bundle, Monsieur," replied the friar.

"Be so good as not to speak of the occurrence," remarked St. Mars, and the priest was dismissed.

It happened, however, that the friar had been noticed in his endeavors to

recover the parcel, and the fact was told to the captain of the guard, who in turn repeated it to St. Mars. Much alarmed, the commandant sent again for the finder. Whether dissatisfied or not by this second examination, it is certain that the poor priest, two days after, was found dead in his bed.

"The prisoner could only see the sky," remarked the custode, "and hear the dash of the waves." There was now no furniture in the room. The walls seemed to have been repeatedly painted over, to obliterate any writing upon them that might reveal the mysterious secret. In another room the visitor is shown the chair upon which the prisoner used to sit. After the lapse of almost two centuries, there are still the faded red satin and the gilt legs and sides. Directly opposite to the chamber, to the right of the corridor, is the apartment of St. Mars, with the door that communicated between, and the curiously-contrived aperture through which the prisoner could be watched.

The *Isle St. Marguerite* is used at present for the confinement of Algerians who refuse to pay French taxes. They have the whole range of the prison, sentries being posted round and about to ensure their safe custody. Some of these swarthy Arabs have been confined on the island since the first possession of Algeria by the French. "But they are obstinate *ces gens là*," said our conductor, "and will not make their submission."

The enigma, Who was the man in the iron mask? remained unsolved for five generations. From first to last, more than fifty volumes have been written upon the subject. The controversy has been renewed during the last two years in the "*Revue Contemporaine*." He has been attempted to be identified as a twin brother of Louis XIV., as his half-brother, as a son of Buckingham, and as a dozen other personages. That a mystery should have existed for so long a period since the death and during

the whole life-time of the prisoner, that not a particle of intelligence should have been divulged by any person nor made known through any channel, appears almost incredible. The very circumstance of wearing a mask continually would of itself attract attention and elicit inquiry from the very meanest of his jailers. But so well was the State secret kept, that, up to last year, not one of the writers who have dealt with the question had satisfactorily solved the mystery.

Voltaire's belief that he was an older brother, born about a year previously to Louis XIV., is well known. Other writers have affirmed him to be a twin brother of Louis XIV., born two hours after the royal infant had received the homage and acclamation of a crowd of courtiers who had thronged the palace. Anne of Austria, his mother, had been childless for many years. An heir to the throne of France was hailed, therefore, with greatest joy. It had been predicted by two astrologers, during several months before her accouchement, that France would be torn by dissensions and civil war, produced by the rivalry of two claimants to the throne. The report was well known to the people. When the twin brother, therefore, was announced to Richelieu and to the King, the prediction seemed fulfilled. By the law of France, the last born twin child is considered the eldest. One of the twin children had an hour before been proclaimed publicly as the Dauphin, heir to the French throne. Gloom and dismay seized on the King's mind, which Richelieu sought to dispel by arranging that the last born son should be sent away, and brought up far from the precincts of the court. He was confided to safe hands; and when he grew up he was altogether banished to one fort and another, under the care of St. Mars, upon whose vigilance and secrecy the King could entirely depend. It is affirmed that his likeness to his mother and to his twin brother was so extremely manifest, that he would have

been recognized immediately. For this reason it was that the mask was invented, which was never taken off night or day. So much for this theory.

Of the mask itself, it is said that it was of iron, or steel, ingeniously contrived so as to interfere with neither hearing nor seeing, eating nor smelling, lined with velvet, fitting close to the features of the face, and locked behind in so secure a manner as to make it difficult to remove. It was doubtless destroyed after the death of the wearer.

The prisoner was always treated with the utmost consideration, as far as regarded food and dress, attendance and service. His table was in form. He dined from silver. The viands were of the choicest kind; St. Mars himself placed the dishes upon the table. His great predilection for fine linen and costly lace was indulged to the utmost. He was always most carefully and even elegantly dressed; his bearing was that of a man of high birth; he spent a large portion of his time in reading, books being furnished him *ad libitum*; and his voice possessed those peculiar intonations which, more than any other of her charms, made Anne of Austria attractive.

Other writers assert that the "man in the iron mask" was Count de Vermaudois, imprisoned for life instead of being beheaded, for the capital crime he committed of having given a blow to the Dauphin. Others again believe that the prisoner was the Duke of Beaufort, who had mysteriously disappeared at the siege of Candia, in 1669. Still others affirm that the poor victim of prolonged misery was Abcdyk, the Armenian, the revered patriarch of Constantinople, who undoubtedly was carried off at Scio, in defiance of all international rights, and brought to France, at the instigation of the Jesuits. Some authors maintain that he was the Duke of Monmouth, nephew of James II.: that he was Fouquet: that he was Lauzun: that he was Count Matthioli:—indeed, it has been stated

that the prisoner was a woman, her sex, suspected from the delicacy of her organization, having been confessed to her physician.

Benjamin Franklin, in the letter we have partly quoted, goes on to say: "The Duc de Richelieu related to me the history of which Voltaire was a firm believer; adding, that the helpless captive, when a child, was confided to the Countess de Motteville, and that, after the death of Cardinal Richelieu, he was taken away from her care by Mazarin, who kept him shut up in prison from the age of sixteen, and that his likeness to Louis XIV. was very remarkable."

There is another theory, however, which, resting upon letters recently discovered, addressed by Anne of Austria and Cardinal Mazarin, each to the other, has recently gained more general acceptance. Upon the death of Louis XIII., his widowed consort, by decree of Parliament, was constituted absolute Regent. She thereupon announced that she would retain Mazarin as her Prime Minister. He is described as being a handsome man, of distinguished manners, elegant appearance, and insinuating address. The Queen recognized the difficulty of her position at the King's death, surrounded as she was by greedy courtiers grasping at high places. Mazarin, always her favorite, offered himself not only as a chivalrous companion, but as the foremost statesman among her counsellors. It was a descent in the social scale for the daughter and widow of a king to unite her destinies by wedlock with a commoner. But they were both in the early stage of middle life—their ages only differing by a year, she in the maturity of her beauty, and he of his intellect—her children, the Dauphin and his brother, six and four years of age respectively, needing a guiding hand; and among all the courtiers who surrounded her Mazarin alone united the wisdom of statesmanship to the sincerity of friendship. "There is no doubt of their marriage," says the

historian, Michelet, "the Cardinal having obtained a dispensation from Rome; nor of the subsequent birth of a son." During Mazarin's life the boy grew up in the palace, a playmate of the two older children, and a possible heir to the crown. But with the death of the great minister came a change. The real emancipation of Louis XIV. then commenced. Anne of Austria, deprived of all share in the government, quitted Paris, and during the remainder of her life made her home at the convent of St. Denis. Her son, then sixteen, followed her. To Louis XIV. and to the Duc d'Orleans this, their half-brother, in whose veins flowed ignoble blood, was an object of dislike. The Queen kept him at her side, gave him the advantages of education, and for four years caused him to be taught all manly and noble accomplishments. He never returned to Court; but from letters, still preserved, written by those who paid their homage to the Queen up to the last, it

is evident that the boy was regarded as giving uncommon promise. To the fine person and winning manners inherited from the Austrian side, he added the extraordinary gifts of the great Minister, his father. There were many among the *noblesse* of the old *regime* who undoubtedly looked for an eventuality that might place him upon the throne.

Louis XIV. was aware of all this, and the death of Anne of Austria, in 1664, removed every obstacle in the way of his plans. Young as the King was, he would brook no possible rival to even his illegitimate successors. The young prince was seized in his bed at St. Denis, the iron mask, invented by Colbert and made by his direction, was locked upon his head, and for thirty-nine years he was known only as the "man with the iron mask." At the supposed age of sixty he died at St. Marguerite. There is no other plausible theory about the unknown man.

N. S. Dodge.

AFTER THE PIONEER.

I.

THERE came another, far less noble race;
 They shot across the iron grooves, a host
 Of schooled and cunning men; they pushed from place
 The simple pioneer, and mocked, and most
 Of all set strife along the peaceful coast.
 The rude unlettered settler, bound and coiled
 In controversy, then before the boast
 Of bold contentious men, confused and foiled,
 Turned mute to wilder lands, and left his home despoiled.

II.

I let them stride across with grasping hands
 And strive for brief possession; mark and line
 With lifted walls the new divided lands,
 And gather growing herds of lowing kine.

I could not covet these, could not confine
My heart to one; all seemed to me the same,
And all below my mountain home, divine
And beautiful held in another's name,
As if the herds and lands were mine, subdued and tame.

III.

I have not been, shall not be, understood;
I have not wit, nor will, to well explain,
But that which men call good I find not good.
The lands the savage held, shall hold again,
The gold the savage spurned in proud disdain
For centuries — go take them all; build high
Your gilded temples; strive and strike and strain
And crowd and controvert and curse and lie
In church and state, in town and citadel, and — die.

IV.

And who shall grow the nobler from it all?
The mute and unsung savage loved as true —
He felt, as grateful felt, God's blessings fall
About his lodge and tawny babes as you
In temples: Moslem, Christian monk or Jew.
. . . The sea, the great white, braided, bounding sea,
Is laughing in your face; the arching blue
Remains to God; the mountains still are free,
A refuge for the few remaining tribes and me.

V.

Your cities! from the first the hand of God
Has been against them; sword and flood and flame,
The earthquake's march, and pestilence, have trod
To undiscerning dust the very name
Of antique capitals; and still the same
Sad destiny besets the battlefields
Of Mammon and the harlot's house of shame.
Lo! man with monuments and lifted shields
Against his city's fate. A flame! his city yields.

Joaquin Miller.

THE LAKESIDE REVIEWER.

BOOKS AND LITERATURE.

CONCORD DAYS. By A. Bronson Alcott.
Boston: Roberts Brothers. (Jansen,
McClurg & Co., Chicago.)

These excerpts from Mr. Alcott's diary, do not seem to us to have body enough for a book. Nor is there any unity except that of a string—the string being a calendar. The author has, too, a few affectations or mannerisms that worry the taste of his best readers; for example, that everlasting *'tis for it is*. Thus much of disparagement must content us for once; for we have found a rare pleasure in reading some of the passages. The one on Plato is a fine piece of biographic condensation. It seems to us better than Plutarch's best. His opinions are careful and sound views; there is no eccentricity or lopsidedness in them. "The family," he says, "is the sensitive plant of civility, the measure of culture. Take the census of the homes, and you have the sum total of character and civilization in any community. From this college we graduate, for better or for worse. . . . One day the highest culture of the choicest gifts will be deemed essential to the heads of families, and the arts of nurture and of culture honored as the art of arts. I know not which is more charming, each in their ways, the coy manners of girls or the sly behavior of beautiful boys—mysteries both to each other, nor less to the elders."

Mr. Alcott's portraits of his fellow-citizens are, perhaps, his best work. Of Thoreau he says: "One seldom meets with thoughts like his, coming so scented of mountain and field breezes and rippling springs, so like a luxuriant clod from under forest leaves, moist and mossy with earth-spirits. His presence was tonic, like ice-water in dog-days to the parched citizen pent in chambers and under brazen ceilings. Welcome as the gurgle of brooks and dipping of pitchers—then drink and

be cool! He seemed one with things, of nature's essence and core, knit of strong timbers—like a wood and its inhabitants. There was in him sun and shade, wilds and waters manifold—the mould and mist of earth and sky. Self-poised and sagacious as any denizen of the elements, he had the key to every animal's brain, every plant; and were an Indian to flower forth and reveal the scents hidden in his cranium, it would not be more surprising than the speech of our Silvanus. He belonged to the Homeric age—was older than pastures and gardens, as if he were of the race of heroes and one with the elements. . . . Of all our moralists, he seemed the wholesomest, the busiest, and the best republican citizen in the world; always at home minding his own affairs. . . . The world was holy, the things seen symbolizing the things unseen, and thus worthy of worship, calling men out of doors and under the firmament, for health and wholesomeness to be insinuated into their souls, not as idolators, but as idealists."

He is not less eloquent upon Emerson: "His rhetoric dazzles by its circuits, contrasts, antitheses; imagination, as in all sprightly minds, being his wand of Power. He comes along his own paths, too, and in his own fashion. What though he build his piers downward from the firmament to the tumbling tides, and so throw his radiant span across the fissures of his argument, and himself pass over the frolic arches, Ariel-wise—is the skill less admirable, the masonry less secure for its singularity? So his books are best read as irregular writings, in which the sentiment is, by his enthusiasm, transfused throughout the piece, telling on the wind in cadences of a current under-song, giving the impression of a connected whole, which it seldom is—such is the rhapsodist's cunning in its structure and delivery."

To some persons, Mr. Alcott's vocation of a private gentleman, devoted to books and culture, seems an offense to the sturdy critics of his time. But such unconsciously seek to level us all down instead of up. We shall owe our preservation from barbarism to the scholars away from schools. However admirable our pursuits may be, they must, in the end, kill us by their devouring enthusiasm and ever-growing appetite for material comfort and splendor. Nothing can do so much to restore us to reason, and to preserve us from moral dissolution, as fine examples of contentful, rational, meditative life. A man who has money, and does not rush to invest it in fevered stocks, and who makes no effort to expand a small fortune into a great one, is a treasure in this age of Fisks, Vanderbilts, and Tom Scotts.

LECTURES TO YOUNG MEN, ON VARIOUS IMPORTANT SUBJECTS. By Henry Ward Beecher. New edition, with Additional Lectures. New York: J. B. Ford & Co. (Jansen, McClurg & Co., Chicago.)

Mr. Beecher's great fame makes anything from his pen welcome to a very large circle of readers; and yet we rather regret the re-publication of these lectures. A series of lectures delivered in Indianapolis, in 1844, would have little more than an antiquarian interest to the men of 1873, if they did not come to us with a popular name. We are not in the same conditions; and to us the style and matter seem "out of tune and harsh." If it be said that the subjects are of permanent interest, it will readily occur to any one to reply that we read one rather than another discourse because of the elements of timeliness, fresh illustration, and representative quality. All that is peculiar in these lectures belongs to *young* Beecher and *old* Indianapolis.

The lectures are useful, however, as means of studying their author. He very early invested any rebuke of public or private wrong with an atmosphere of unwillingness in the rebuker; and he has long since ceased to be worth much as a censor of public morals. He is a great preacher, because he preaches only those praises of goodness and exposures of badness which all men like to hear praised or rebuked.

He would not be popular if he thundered against the vices which living men love. Thirty years ago, he rebuked public corruption (a little even then in the preterit), and we wonder whether this re-publication is to satisfy a demand for a little timely exhortation against sinners in our time. Perhaps posterity will have some trouble to discover why the author of these lectures was the most eminent divine of his day.

LOVE IS ENOUGH: or, the Freeing of Phœmonid, a Morality. By Wm. Morris, author of "The Earthly Paradise," "The Life and Death of Jason," etc. Boston: Roberts Brothers. (Jansen, McClurg & Co., Chicago.)

The antique and simplicity of life seem to be ideals a little incongruous that meet in Mr. Morris. In the form of this poem he gets nearer to us by some centuries than in his Jason; but it suggests old, old days, and forms of marvellousness that wanted the complexity of all things here — of even the air breathed by these ends of the world. We confess to a little weariness with all this. Poetry must be archaic; but it need not go back to the flood. And since no history, or supposed history, gives law to the poet — his theme being "of imagination all compact," one wishes the fancy of Mr. Morris could fall in love with plain modern folk, and find that love is enough. Art so artistic, poetry so wholly of a by-gone world (as to form, we mean) sets us wondering at the author. Will his cranium hold the usual quantity of shot when his brains are out? Or is he not rather a poet of stils, phrase-books, gas-light and affected airs of genius.

THE LAKE REGIONS OF CENTRAL AFRICA. Compiled and arranged by Bayard Taylor. With map and numerous illustrations. New York: Scribner, Armstrong & Co. (Jansen, McClurg & Co., Chicago.)

This series — "Illustrated Library of Travel, Exploration, and Adventure" — is a happy thought. No class of works so absolutely need condensation as books of Travel and Adventure. The writers are usually men of moderate gifts of expression, unused to book-making arts, and they make our clumsiest books. The best in

the field—from Hakluyt down—have been compiled; and we more and more need to save time and money in book-reading and book-buying. Mr. Taylor is admirably fitted for the task of a compiler. He has travelled and reported travels long enough to know how to tell a story, or how to make one better by making it shorter. The present volume treats of the most fascinating subject of travel—research; and seems to us to be a successful compilation, more useful to an average person than the forty and more books which it reduces into one.

A MANUAL OF GESTURE. Embracing a complete System of Notation, together with the Principles of Interpretation and Selections for Practice. By Albert M. Bacon, A.M., Professor of Elocution. Chicago: S. C. Griggs & Co.

This book is the best of its class that we have seen, and must be very useful to young men preparing for oratory. The author has evidently mastered his subject, and he displays much good judgment in the arrangement, and excellent faculty of expression. The book-making work of the publishers is very creditable to the house.

MUSIC.

MUSICAL CULTURE.

THE standard of musical culture in a people rests not so much in the breadth of a civilization as in its refinement and finish; in other words, in its ripeness rather than in its natural flavor. Nearly every people, in all stages of civilization, have shown musical tendencies, it is true, and in some cases, even among barbarians, or semi-civilized tribes, music has been formulated into something like an art. But the fact still remains, that it is only after ages of national training in the refinements of civilized life, that musical taste reaches its highest forms. The sensuous element of music touches all hearts. The tones of Orpheus, as it was fabled, made the rocks and the trees move in harmonious accord, typifying his influence over the hearts of savage men; and

"Amphion, too, as story goes, could call
Obedient stones to make the Theban wall.
He led them as he pleased; the rocks obeyed,
And danced, in order, to the tunes he played."

But the intellectual element in music, as expressed in its highest forms, is only apprehended and enjoyed after long ages of hereditary love and knowledge. It is not simply a matter of general intellectual culture either; but of that conjoined training of the mind, the tastes, and the ear, which

comes of time and exceptional circumstances. A people, as a whole, must thus have been educated to love and enjoy the best music, before it can produce any great composers; for the general law of demand and supply holds good in all the forms of art as well as the grosser phases of thought and work. Great minds always express the latent or the active tenderness of an age or a people, just as mountains obey the law of volcanic upheaval with a strict proportionate relation to the general configuration of a continent. Mozart, Mendelssohn, and Beethoven had been impossibilities, unless there had been a general musical training in the German people—a deep spiritual hunger for the best fruits of musical thought.

THEODORE THOMAS.

There have been sentimental plaints from time to time, among American writers on art, that we have, as yet, produced no brilliant or profound creative genius in the realm of tone. Such fatuity scarcely stirs the surface of the question. Musical culture in America has scarcely passed beyond its first stage. There are a few, it is true, in every community, who love and appreciate the higher forms of music; but these, among the so-called higher classes even, do not constitute the dominant element. Grand opera, with its gay, sensuous, or

dramatic music, its associated attractions of distinctly-presented action, its custom-prescribed facilities for the display of dress, will draw thronged audiences at the most extravagant prices. On the other hand, a Theodore Thomas Concert, where we get musical thought rendered with all that richness and variety of coloring possible for an orchestra, is only tolerably patronized. Still more significant is the practical verdict expressed by amount of patronage, in the case of the piano-forte performance of a great artist like Anton Rubinstein. Here we have the expression of the musical idea in all its nakedness — far more so, indeed, even than in the orchestra. The fact seems to be that music, to catch the popular patronage in Chicago (and other American cities are like our own in this respect), must either appeal to the simple sensuous love of melody, or it must be garnished with exciting accessories.

Any other state of affairs, indeed, would be miraculous in this country. People have had too much to do with the stern, imperious realities of life to have had time and opportunity to get culture in the more severe form of musical taste, though happily the immediate bustle and hurry of life have commenced to subside in our greater cities. We may, in the future, look to a growing love for the nobler phases of musical thought, and a more careful study, on the part of those who are naturally disposed to enjoy the influences of the most subtle and delightful of the fine arts, into the principles on which that art is founded. Mr. Theodore Thomas has wrought much of these beginnings of reform by the standards he has set, and to which he has accustomed the lovers of music, by the incomparable excellence of his orchestral performance. The careful observer may see the effects of his work in a thousand ways, throughout the country; and there can be but little doubt that at some distant period, when this nation will have become as distinguished in art as it now is in other respects, the name of Theodore Thomas will rank high among the honored memories to which leading and definite influences for good are attached.

ANTON RUBINSTEIN.

One of the most significant events

in the musical world for the last year, has been the visit of Anton Rubinstein to America. Herr Rubinstein has been long acknowledged the leader of the more severe and classical school of piano-forte playing, though he accompanies this with traits not usually found with rigid classicism in art, exceeding brilliancy and richness of coloring. Rubinstein has everywhere met with a warm and enthusiastic appreciation on the part of those that love music; but he probably has been disappointed in the size of his audiences, away from the cities of New York and Boston. This artist was, perhaps, disposed to judge America by his own lofty standard, and give no credit for a more advanced stage of musical culture than we actually possessed. Be this as it may, we were certainly not disappointed in him. Rubinstein's influence, we believe, will be a very decided one on American art, as far as a flying visit can be so. The superb finish of his *technique*, his wonderful touch, his power of bringing out orchestral effects from the instrument, the profound poetry and sympathy of his interpretation, have been almost a revelation of the capacities of the piano-forte. This instrument can not be regarded as fit for the most effective concert purposes; but it assumed a rank under Rubinstein's fingers, which made it something different. His concerto-playing, at the recent concerts given in conjunction with Theodore Thomas, in spite of the bad acoustics of the churches in which they were held, was the crowning exhibition of his skill. The resources of the piano were shown in a marvellous manner; and set in a frame-work of orchestration, we were able to appreciate better, not the powers of the player's *technique* so much, but the depth and eloquence of his interpretation. This was specially evident in the Beethoven concertos, both of which are among the masterpieces of that composer's composition for the piano-forte. Rubinstein will return to Europe in May; and as he expresses himself not highly impressed with America, he will probably not return to such a benighted country (musically).

WIENIAWSKI.

Of the other features of the Thomas-

Rubinstein concerts, the performance of Wieniawski on the violin, and the orchestral work, it only remains to be said, that they were fully worthy of the great leading attraction. Mr. Wieniawski's marvellous skill probably has been to the majority of concert-goers fully as much of an attraction as any other feature. The violin speaks more intelligibly to the common heart than the piano, or the orchestra even. No instrument is so marvellously sympathetic in the hands of a great master, or responds

so subtly to the finest shades of feeling. Mr. Wieniawski has shown himself alike the possessor of an incomparable *technique* and great power of expression. In Europe he is placed even above Joachim and Vieuxtemps, and most assuredly nothing has ever been heard in America worthy to be raised to his level. Such a combination as that of Rubinstein, Thomas, and Wieniawski, in all probability, will not be heard in America again for many years to come, if ever.

THE DRAMA.

EDWIN BOOTH IN CHICAGO.

THE dramatic interests of the month have reached an appropriate culmination in the graphic and artistic delineations of the superb tragedian, Edwin Booth. It is alike flattering to the cultivated intelligence of our theatre-goers, and the ever-increasing renown of this great dramatic artist, that large audiences have been the rule, in spite of the manifold attractions in the musical and theatrical world during this unprecedentedly long engagement. Even at the fifth week, no appreciable decrease of popular interest has become manifest, and this fact conclusively proves that scarcely any artist of equal prominence, or even greater ability (and there are several in precisely the same round of characters which Mr. Booth has made his especial study), who can boast of as hearty and extended an admiration as Booth enjoys with us. While, as we have stated, there are those who, possessing a fund of histrionic genius superior to Booth, surpass him in the grandeur of their impersonations of several famous characters with which he has become identified, yet it is but the truth to admit that perhaps there is no actor living who can approach him in the generally fine delineation of as varied a round of characters as compose his repertory.

Throughout his engagement, he has adhered to the presentation of characters with which all have been long familiar,

and exclusively those with which for years he has been peculiarly identified. He opened with "Brutus" and "Benedick;" "Richelieu" and "Macbeth" rapidly followed. There is no doubt that in "Richelieu" Mr. Booth rises to a remarkable eminence, in the portrayal of the many distinguishing characteristics that marked the great French cardinal and statesman. The character, as drawn by its illustrious author, is peculiarly adapted to the qualities in which Booth particularly excels. His rendition of it was fine, smooth, and consistent in every particular, and his elocution remarkably beautiful and impressive. The dignity of his impersonation, and the force and characterization with which he inspires the *rôle*, are so marked as to fully justify the opinion that it is, perhaps, the best and strongest of his assumptions—"Hamlet," for many reasons, being excepted. Mr. Booth's admirable elocution has always proved one of his greatest attractions; and as "Richelieu," the brilliant oratory, so frequent in the play, affords him ample opportunity to display its full richness and beauty.

Booth in comedy was a novelty to a large number of people, who, for that reason, and from motives of comparison, attended the representation of "Benedick," in "Much Ado about Nothing." His handling of the character may be dismissed briefly with the remark that, although in his hands it is an even-finished bit of acting, yet at the same time he fails to convey

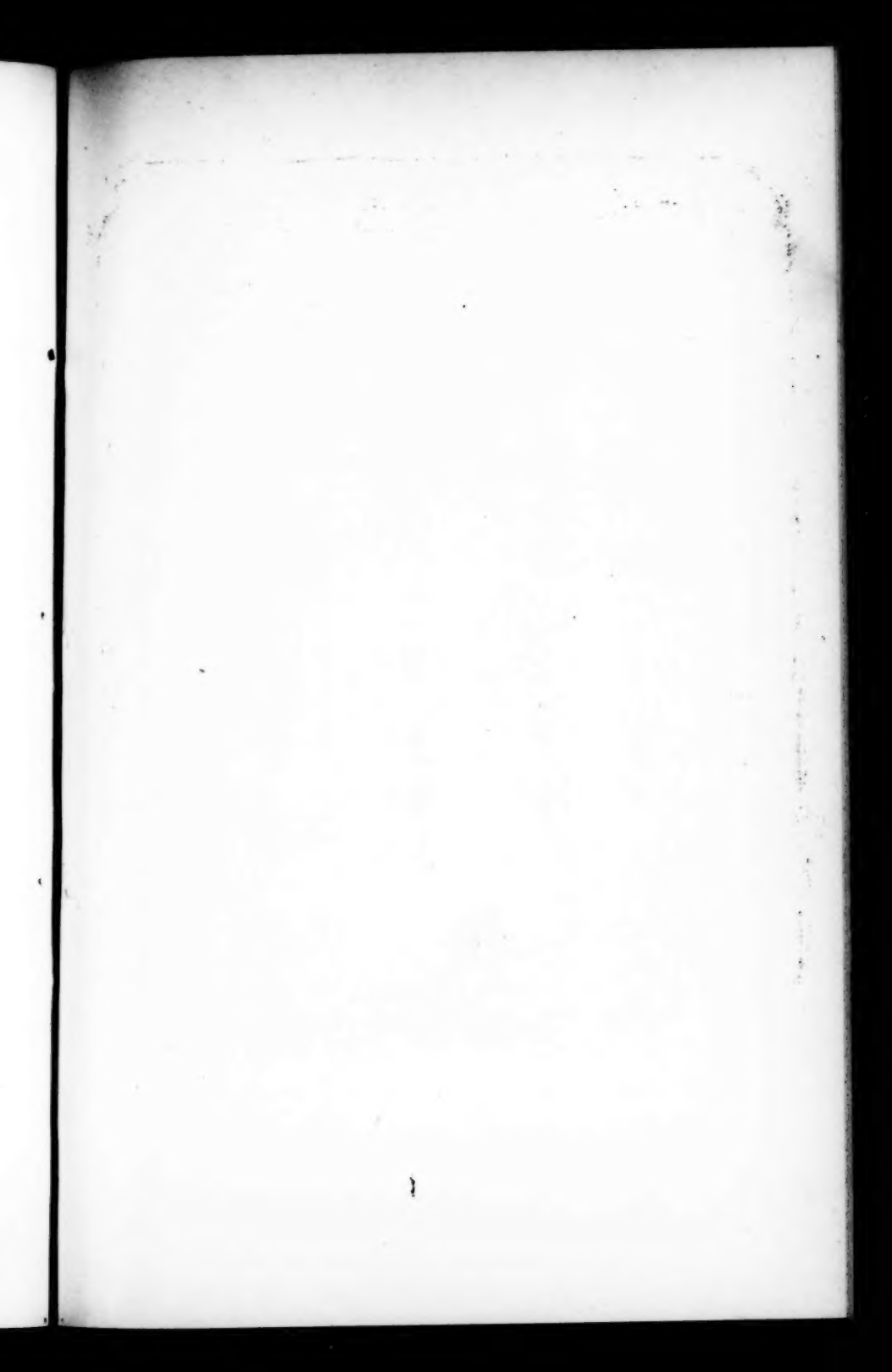
to the spectator a sense of genuineness in humor and raciness of interpretation, quite up to the average standard of expectation. Elegant and artistic it is, it is true; but piquant, sparkling and subtle, scarcely.

But it is, perhaps, in the presentation of that grandest and most intense of all Shaksperian creations, "Macbeth," that the most trying demands are made upon Mr. Booth—alike upon his innate talent and the utmost resources of his acquired art. A forcible, an able—an extremely able—illustration of this wondrously subtle, yet grandly passionate character, does he present, it is true—creditable alike to the degree of culture he has attained, and the natural powers he possesses; would we could say adequate in filling up to a more palpable height and greatness the stupendous demands of this most exhaustive and complex of creations. Sufficient to say that, while Mr. Booth fails to rise to that sublimity of realism which, once conferred upon this great character, has forever crowned it with so high a standard of excellence as to make inferior abilities, both of nature and art (although perhaps of a high order), comparatively tame and disappointing in the delineation to which they attain; yet evident it is that the part has received at his hands a conscientious study and critical analysis, which, combined with occasional bursts of light and power, contribute to create an impersonation which, if not truly great, is at least in every way admirable.

As was to be expected, the largest audiences, and the most flattering measure of popular appreciation, were bestowed upon the representation with which Booth's name has been more fully identified than any other—"Hamlet." The statuesque grace and dignity which Mr. Booth owes to a fine *physique*, largely contribute to his ability to present in himself the type of man generally accepted as the most perfect physical embodiment of the melancholy prince. But it would be unjust to him to

deny that the laurels which he has won in his impersonation of the character, are deservedly the rewards of his attainment in a *role* so extremely difficult of an intellectual and poetical realization, of a remarkably high order. It is, in fact, hardly too much to affirm that a higher intellectual conception of the character, or, indeed, a more remarkably vivid and subtle presentation, could scarcely be possible. The fact remains, however, that while Booth's Hamlet compels the homage of the brain, it is powerless to work the spell of attraction upon the heart. He carries it out of the reach of human sympathy, into the realm of the purely spiritual; and, while it challenges our admiration for its chaste beauty and perfect symmetry of outline, yet it eludes our grasp, has nothing in common with our human moods and passions, and repels us with the startling distinctness with which we feel it is not of us. Thus, in the perfection of its chiselling, and the rigid severity of its type, it attains a crystallization of pure thought incompatible with humanity; and, whilst elevated upon the loftiest intellectual plane, fascinates us with the spiritual perfection of the poetic ideal, even whilst repelling us with the frigid atmosphere with which it is surrounded.

The latter part of the engagement has been devoted principally to "Julius Caesar" and "Richard III." In the first, Mr. Booth has assumed the characters of "Brutus," "Cassius," and "Marc Antony," with varying merit, but to very general satisfaction; and his representation of the ambitious and passionate "Richard" is sufficiently well known for its many excellencies to need any extended comment. In its entirety, the season may be looked upon as a remarkably flattering testimonial to Mr. Booth's talent, and an evidence of what thorough support is always tendered to an artist, whose ambition seeks a perfect exposition of an elevated ideal, at the hands of our very best classes.





THE LAKESIDE BUILDING.—COR. CLARK AND ADAMS STS., CHICAGO.

For description, see "Miscellany" in back of this Number.

